

Please note: These transcripts are not individually reviewed and approved for accuracy.

BEFORE THE
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

IN THE MATTER OF THE:

REGULAR MONTHLY)
BUSINESS MEETING)
_____)

DATE AND TIME: WEDNESDAY, AUGUST 26, 1998
X:XX O'CLOCK X.M.

PLACE: BOARD HEARING ROOM
8800 CAL CENTER DRIVE
SACRAMENTO, CALIFORNIA 95826

REPORTER: XXXX
CERTIFICATE NO. XXXX

BRS FILE NO.: XXXXX

A P P E A R A N C E S

MR. DANIEL G. PENNINGTON, CHAIRMAN
MR. ROBERT C. FRAZEE, VICE CHAIRMAN
MR. DAN EATON, MEMBER
MR. STEVEN R. JONES, MEMBER

I N D E X

	<u>PAGE</u>
<u>CALL TO ORDER</u>	
<u>EX PARTE COMMUNICATIONS</u>	5,
<u>PROCEDURES AND ANNOUNCEMENTS</u>	
<u>AGENDA ITEM NO. 22:</u> CONSIDERATION OF APPROVAL OF PROPOSED RANKING CRITERIA AND SCORING PROCESS FOR TWO FISCAL YEAR 1998-99 TIRE RECYCLING GRANTS: (1) LOCAL GOVERNMENT PUBLIC EDUCATION AND AMNESTY DAY GRANTS AND (2) LOCAL GOVERNMENT PLAYGROUND COVER AND SURFACING GRANTS	47
<u>AGENDA ITEM NO. 11:</u> CONSIDERATION OF A NEW SOLID WASTE FACILITY PERMIT FOR THE HUMBOLDT COUNTY WASTE MANAGEMENT AUTHORITY TEMPORARY TRANSFER STATION IN HUMBOLDT COUNTY	61
<u>AGENDA ITEM NO. 10:</u> CONSIDERATION OF A REVISED SOLID WASTE FACILITY PERMIT FOR LANDERS SANITARY LANDFILL IN SAN BERNARDINO COUNTY	136
<u>AGENDA ITEM NO. 5:</u> CONSIDERATION OF EQUITY ISSUES RELATED TO THE INTEGRATED WASTE MANAGEMENT FUND	142
<u>AGENDA ITEM NO. 6:</u> CONSIDERATION AND APPROVAL OF CONTRACT CONCEPTS FOR DISCRETIONARY CONSULTING AND PROFESSIONAL SERVICES FOR FISCAL YEAR '98-99	174
<u>AGENDA ITEM NO. 7:</u> UPDATE ON THE STATUS OF THE INTERAGENCY AGREEMENT WITH THE DEPARTMENT OF FINANCE TO AUDIT THE USED OIL RECYCLING FUND	174
<u>AGENDA ITEM NO. 8:</u> CONSIDERATION OF STATE LEGISLATION	176
<u>AGENDA ITEM NO. 9:</u> CONSIDERATION OF STAFF RECOMMENDATIONS ON THE TEHAMA COUNTY REGIONAL AGENCY AGREEMENT FOR THE CITY OF CORNING, RED BLUFF, TEHEMA, AND THE UNINCORPORATED TEHEMA COUNTY	177
<u>AGENDA ITEM NO. 12:</u> CONSIDERATION OF A NEW SOLID WASTE FACILITY PERMIT FOR THE ZANKER MATERIALS PROCESSING FACILITY IN SANTA CLARA COUNTY	186
<u>AGENDA ITEM NO. 13:</u> CONSIDERATION OF NEW SITES FOR THE SOLID WASTE DISPOSAL AND CURRENT DISPOSAL SITE CLEANUP PROGRAM	195

<u>AGENDA ITEM NO. 14:</u> CONSIDERATION OF THE ADOPTION OF THE NEGATIVE DECLARATION ON THE PROPOSED REGULATIONS FOR TRANSFER PROCESSING OPERATIONS AND FACILITIES, OR APPROVAL TO NOTICE AN ADDITIONAL 15-DAY COMMENT PERIOD FOR THESE REVISIONS	206
<u>AGENDA ITEM NO. 15:</u> ORAL PRESENTATION OF THE VERTICAL EXPANSION OF MUNICIPAL SOLID WASTE LANDFILLS	238
<u>AGENDA ITEM NO. 16:</u> CONSIDERATION OF THE PROPOSED 1998 WASTE REDUCTION AWARDS PROGRAM	253
<u>AGENDA ITEM NO. 17:</u> CONSIDERATION OF DELEGATION OF AUTHORITY TO ALLOW EXTENSIONS OF TIME FOR SUBMISSION OF RIGID PLASTIC PACKAGING CONTAINERS, RPPC, PRODUCT MANUFACTURED CERTIFICATION FORMS AND INCREASED IN REQUIRED TIME FOR RETENTION OF SUPPORTING DOCUMENTS BY PRODUCT MANUFACTURER	263
<u>OPEN DISCUSSION:</u> NONE	297
<u>ADJOURNMENT:</u>	297

PAGE

SACRAMENTO, CALIFORNIA:
WEDNESDAY, AUGUST 26, 1998, 9:45 O'CLOCK A.M.
---OOO---

CHAIRMAN PENNINGTON: -- WASTE MANAGEMENT BOARD.
WOULD THE SECRETARY CALL THE ROLL, PLEASE?

THE SECRETARY: BOARD MEMBER EATON?

MEMBER EATON: HERE.

THE SECRETARY: FRAZEE?

MEMBER FRAZEE: HERE.

THE SECRETARY: JONES?

MEMBER JONES: HERE.

THE SECRETARY: CHAIRMAN PENNINGTON?

CHAIRMAN PENNINGTON: HERE.

WE HAVE A QUORUM. AS THE PUBLIC WILL NOTE,
BOARD MEMBER CHESBRO IS NOT HERE TODAY, AS HE IS CURRENTLY ON
A LEAVE OF ABSENCE AND, THEREFORE, HIS NAME WILL NOT BE
INCLUDED IN TODAY'S ROLL CALLS.

STARTING WITH MR. EATON, DO YOU HAVE ANY *EX*
PARTES?

MEMBER EATON: THIS MORNING I HAD A CONVERSATION
WITH LARRY SWEETSER REGARDING ITEM 10, THE LANDERS SANITARY
LANDFILL IN SAN BERNARDINO COUNTY, JUST A FEW MINUTES AGO.

CHAIRMAN PENNINGTON: OKAY. VERY GOOD. THANK YOU.

MR. JONES?

MEMBER JONES: MINE ARE ALL UP TO SPEED AND
RECORDED.

CHAIRMAN PENNINGTON: OKAY. MR. FRAZEE?

MEMBER FRAZEE: MINE ARE ALL ON THE RECORD, EXCEPT I
DID HAVE A BRIEF CONVERSATION ON THE TRANSFER RIGHTS WITH DON
CUPPS.

CHAIRMAN PENNINGTON: OKAY. WE HAVE A FAX THAT WE
RECEIVED FROM NORCAL CONCERNING ITEM 11.

THERE ARE SPEAKER REQUEST FORMS AT THE BACK OF
THE ROOM, AT THE TABLE BACK THERE. IF ANYBODY WISHES TO
ADDRESS ANY ITEM ON THE AGENDA, WOULD YOU PLEASE FILL ONE OUT
AND GIVE IT TO MS. KELLY WHO WILL MAKE SURE THAT WE HEAR FROM
YOU?

A FEW ANNOUNCEMENTS. ITEM 22 OF THE AUGUST
13TH, 1998, BOARD MEETING WAS CONTINUED FOR FURTHER
CONSIDERATION AT THIS MEETING. THIS ITEM WILL BE HEARD
FOLLOWING ITEM 3.

TO ACCOMMODATE OUT-OF-TOWN GUESTS AND TRAVELERS,
ITEM 11 WILL BE HEARD FOLLOWING THE CONTINUED BUSINESS ITEM.

ITEM 10 IS PULLED FROM THE CONSENT CALENDAR.
AND, AS SUCH, WE HAVE NO CONSENT CALENDAR, SO ITEM NO. 4 WILL
BE PULLED FROM THE AGENDA.

OKAY. WE'LL NOW MOVE TO ITEM NO. 1, WHICH IS A
REPORT FROM THE EXECUTIVE DIRECTOR AND EXECUTIVE STAFF. MR.
CHANDLER.

EXECUTIVE DIRECTOR'S REPORT

MR. CHANDLER: THANK YOU, MR. CHAIRMAN. I'M NOT
USED TO GOING THIS EARLY IN YOUR ROLL CALL.

BUT, I'LL START BY INDICATING THAT I'D LIKE TO
REPORT WE HAD A VERY SUCCESSFUL LEA CONFERENCE LAST WEEK IN
NEAR LAKE TAHOE. I THINK WE HAD MORE THAN 100 PEOPLE FROM THE

BOARD AND LEAS ATTENDING TO DISCUSS A NUMBER OF IMPORTANT ISSUES, INCLUDING COMPLIANCE WITH SOLID WASTE REGULATIONS, COORDINATING DIVERSION WITH FACILITY COMPLIANCE, AND NEW APPROACHES TO RESTORING SITES.

AS SEVERAL OF YOU ARE AWARE -- AND I KNOW A COUPLE BOARD MEMBERS ATTENDED, BOARD MEMBER FRAZEE AND BOARD MEMBER JONES -- THE CONFERENCE WAS VERY ACTIVE, WITH THE LEAS VERY ACTIVE IN THE PRESENTATIONS AND THE DISCUSSIONS.

AND I FOR ONE, NOW HAVING OBSERVED OUR SECOND CONFERENCE, JUST WANT TO SAY I THINK WE EMBARKED ON THIS PARTNERSHIP WITH LEAS TWO, THREE YEARS AGO, AND I REALLY SENSE THAT WE ARE BEYOND THE KIND OF EXPERIMENTATION MODE OF WONDERING WHETHER THESE ANNUAL CONFERENCES WERE A GOOD IDEA. I THINK EVERYBODY ROLLED UP THEIR SLEEVES AND RIGHT FROM THE GET-GO GOT RIGHT INTO THE DISCUSSIONS. AND I THOUGHT IT WAS A VERY GOOD CONFERENCE AND REPRESENTED REAL PROGRESS THAT WE'RE MAKING IN THAT REGARD.

NEXT I'D LIKE TO UPDATE YOU ON THE ROYSTER TIRE PILE ISSUE. THE BOARD HAS BEEN DESIGNATED AS THE LEAD FOR THE EVENTUAL CLEANUP OF THE SITE. AND I'VE ASKED BOB FUJI, OF OUR PERMITTING AND ENFORCEMENT DIVISION, TO BE IN CHARGE OF THE PROJECT.

THE FIRST ROUND OF SURFACE WATER MONITORING HAS BASICALLY SHOWN NO ELEVATED LEVELS. AND WE EXPECT THE FIRST RESULTS FROM GROUND WATER MONITORING TO BE RELEASED FROM U.S. EPA NEXT WEEK.

NO SOIL SAMPLING WILL BE UNDERTAKEN UNTIL THE FIRE IS COMPLETELY BURNED OUT. WE'RE STILL GETTING SOME PERIODIC HOT SPOTS AS THE WIND PICKED UP. BUT, NEEDLESS TO SAY, I'LL KEEP YOU INFORMED OF ANY FURTHER DEVELOPMENTS.

SPEAKING OF TIRES, I'M PLEASED TO REPORT THAT MARTHA GILDART OF OUR MARKET DEVELOPMENT DIVISION IS IN ARIZONA TODAY WITH A NUMBER OF CAL TRANS REPRESENTATIVES TO SEE HOW SUCCESSFUL ARIZONA HAS BEEN IN UTILIZING RUBBERIZED ASPHALT CONCRETE. MARTHA AND CAL TRANS OFFICIALS ARE NOW BEING SHOWN HOW WELL THE PAVEMENT CONTAINING RAC IN SEVERAL DIFFERENT PARTS OF THE STATE, WHICH, AS YOU KNOW, HAS A WIDE RANGE OF CLIMATIC CONDITIONS, JUST AS CALIFORNIA DOES. ARIZONA USES RAC FOR NEARLY ALL OF ITS PAVEMENT. AND, OF COURSE, WE'RE WORKING CLOSELY WITH CAL TRANS, ALONG WITH CITIES AND COUNTIES AROUND THE STATE, TO INCREASE THE USE OF RAC HERE IN CALIFORNIA. I BELIEVE WE'RE GOING TO HAVE A TWO-DAY KIND OF SUMMIT BACK HERE IN CALIFORNIA WITH CAL TRANS OFFICIALS IN EARLY SEPTEMBER TO KIND OF DISCUSS WHERE WE GO NEXT.

NEXT I'D LIKE TO LET YOU KNOW THAT WE'VE WORKED OUT A SCHEDULE FOR UPDATING YOU ON THE PROGRESS OF OUR FOUR STRATEGIC PLAN PRIORITY TEAMS. BEGINNING IN SEPTEMBER WE'LL BE PRESENTING A BRIEFING FROM ONE TEAM EACH MONTH. WE'LL START WITH THE C&D TEAM, THEN FOLLOWED BY ORGANICS, LOCAL GOVERNMENT DIVERSION ASSISTANCE, AND FACILITY COMPLIANCE.

AND, LASTLY, WHILE IT'S NOT IN MY NOTES LET ME

JUST INDICATE THAT BOTH PATTY ZWARTS AND I WERE IN THE LEGISLATURE LAST EVENING. I HAVE A FEW THINGS I CAN REPORT ON RELATIVE TO A NUMBER OF KEY BILLS THAT I KNOW YOU -- MANY OF YOU HAVE BEEN FOLLOWING.

FIRST OF ALL, I DID PARTICIPATE IN THE HEARING IN THE SENATE APPROPRIATIONS, WHERE AB 117 WAS HEARD. THAT WOULD BE THE BILL CARRIED BY MEMBER ESCUCIA TO DEAL WITH REMOVING THE SUNSET ON THE TIRE FEE AND ASKING THIS BOARD TO SUBMIT TO THE LEGISLATURE A REPORT EARLY NEXT YEAR. THAT BILL MOVED OUT WITHOUT ANY OPPOSITION. THERE WERE AMENDMENTS TAKEN TO ASK THAT THE BOARD SUBMIT A PRELIMINARY REPORT TO THE LEGISLATURE IN MAY AND A FINAL REPORT, I BELIEVE, JUNE 30TH OF 1999.

SO WE'RE GOING TO GET CRACKING PROBABLY RIGHT AWAY, PROBABLY WILL WANT TO HAVE A REPORT FINISHED BY AROUND MARCH 1ST FOR THIS BOARD'S CONSIDERATION. AND I'D ENCOURAGE YOU, MR. CHAIRMAN, TO DETERMINE WHAT ROLE YOU WOULD LIKE ANY OF YOUR MEMBERS TO PLAY IN AN OVERSIGHT CAPACITY AS WE START DEVELOPING THAT DOCUMENT.

NEXT I WANT TO INDICATE THAT AB 715 BY FIGUEROA, A BILL THAT WAS DEALING WITH THE CAPTIVE CARRIER ISSUE, ALSO MOVED OUT OF COMMITTEE WITHOUT OPPOSITION. AND AMENDMENTS WERE TAKEN THAT INCREASED THE CAP ON -- THAT THE BOARD WOULD BE ALLOWED TO GET REIMBURSEMENT COSTS COVERED UNDER THAT PROGRAM, AS WELL AS INCREASING THE RATING THAT CAPTIVE CARRIERS MUST CARRY. AND I'VE GOT MORE SPECIFICS ON THAT IF ANY OF YOU ARE INTERESTED. I'LL JUST LEAVE IT THERE.

FINALLY, I WOULD LIKE TO JUST MENTION THAT UPON ADJOURNMENT OF SENATE APPROPRIATIONS A TWO-HOUSE CONFERENCE COMMITTEE MET TO DEAL WITH SUPER FUND CLEANUP. AND AS YOU KNOW, THAT PROGRAM WAS LOOKING AT POTENTIALLY ADDING AN ADDITIONAL 16 -- I SHOULDN'T SAY ADDITIONAL, A NEW 16-CENT FEE ON INDUSTRIAL OILS THAT WOULD CREATE THE ORPHAN SHARE PORTION OF A CLEANUP FOR A SUPER FUND PROGRAM.

THERE WAS SOME SPECULATION THAT MAYBE THE PROGRAM WOULD BE JUMP-STARTED WITH SOME FUNDING FROM OUR EXISTING USED OIL ACCOUNT. I WAS ASKED TO CLARIFY SOME DEFINITION QUESTIONS ON INDUSTRIAL OILS. BUT, THAT ASIDE, THE WAY IT WENT OUT WAS THERE WAS NO IMPACT ON THE LUBRICATING OIL ACCOUNT MANAGED BY THIS BOARD. AND IT LOOKS LIKE APPROXIMATELY 22 MILLION WOULD BE GENERATED FROM INDUSTRIAL, A 16-CENT FEE ON INDUSTRIAL OIL SALES.

AND WE THE BOARD WILL BE ASKED TO ADMINISTER THE COLLECTION OF THAT RECEIPT OF THOSE FUNDS, SINCE MANY OF THE FEE PAYERS ON THE LUBRICATING OIL WILL BE PAYING ON THE INDUSTRIAL OIL SALES, AND WE HAVE AN ADMINISTRATIVE APPROPRIATION TO BEAR THOSE COSTS.

SO, I THINK THAT WAS A HIGH MARK TO SEE THE SUPER FUND PROGRAM GET REAUTHORIZED, AND THAT WE'LL PLAY A ROLE IN THAT BUT NOT HAVE ANY DIRECT IMPACT ON OUR EXISTING PROGRAM.

AND THAT CONCLUDES MY REPORT, UNLESS YOU HAVE

ANY QUESTIONS FOR ME REGARDING ANY OF THE LEGISLATION I JUST COVERED.

CHAIRMAN PENNINGTON: QUESTIONS OF MR. CHANDLER?

MEMBER JONES: MR. CHAIRMAN? JUST A COMMENT ON -- MR. CHANDLER WAS TALKING ABOUT THE ARIZONA TRIP, AND ON THE MEETING BETWEEN THE BOARD AND THE RUBBER PAVERS ASSOCIATION AND CAL TRANS. I THINK IT'S IMPORTANT, BECAUSE OF OUR AUDIENCE TODAY AS FROM CITIES AND COUNTIES, THEY NEED TO KNOW THAT THERE ARE GOING TO BE FOUR WORKSHOPS THROUGHOUT THE STATE BY THE LOS ANGELES TECH CENTER THAT ARE BEING PUT ON, ON RUBBERIZED ASPHALT. THERE'S GOING TO BE ONE IN REDDING; THERE'S GOING TO BE ONE IN FRESNO; THERE'S GOING TO BE ONE IN -- I DON'T KNOW, THERE'S FOUR OF THEM. I'M SURE YOU ALL GOT NOTICES.

I THINK IT'S IMPORTANT THAT YOU GO BACK TO YOUR CITIES AND TALK TO YOUR PUBLIC WORKS DEPARTMENTS AND MAKE THEM AWARE OF THESE THINGS BECAUSE THIS IS A HUGE METHOD TO GET RID OF TIRES THAT WE NEED TO TAKE -- THERE IS A COST SAVINGS TO CITIES AND COUNTIES. AND THIS BOARD HAS VOTED FOR GRANT FUNDING TO DO SOME OF THE TESTING THAT WOULD MAKE SURE THAT IT'S APPROPRIATE TO USE RUBBERIZED ASPHALT. SO IF THOSE FOLKS FROM CITIES AND COUNTIES COULD TAKE SOME OF THAT INFORMATION BACK, I THINK IT WOULD BE HELPFUL. SO, THANK YOU.

CHAIRMAN PENNINGTON: THANK YOU, MR. JONES.

NEXT WE'LL ASK IF THERE'S ANY BOARD MEMBERS WHO HAVE ANYTHING THAT THEY WISH TO MAKE COMMENTS ON OR STATEMENTS. SINCE WE DON'T HAVE COMMITTEES ANY LONGER, I'D LIKE TO GIVE THEM AN OPPORTUNITY SINCE WE USED TO DO THAT THROUGH THE COMMITTEE STRUCTURE.

NEXT I'LL ASK THE REPORT ON THE STATUS OF THE 21ST CENTURY. DID YOU HAVE ANYTHING ON THAT, EITHER MR. JONES OR MR. EATON?

21ST CENTURY UPDATE

MEMBER EATON: YES. MR. CHAIRMAN, MR. JONES HAS GRACIOUSLY AGREED TO ALLOW ME TODAY TO GIVE YOU A BRIEF UPDATE ON THE 21ST CENTURY.

THINGS ARE PROGRESSING QUITE WELL. WHAT'S INTERESTING ABOUT THE 21ST CENTURY, IT'S KIND OF LIKE A SNOWBALL GOING DOWN A HILL. THE MORE YOU PLAY WITH IT AND ROLL IT DOWN THE HILL THE MORE AND MORE SPEED IT GATHERS AND THE MORE AND MORE VOLUME IT ACQUIRES. AND I THINK THE SAME CAN BE SAID FOR THE 21ST CENTURY, AND BY THAT I MEAN THAT WE'RE LEARNING MORE AND MORE ABOUT WHAT OTHERS HAVE DONE WITH REGARD TO THE FUTURE, AND HAVE CHARTED A COURSE PRIOR TO OUR COURSE BEING CHARTED.

AND, IN FACT, MEMBERS OF THE STEERING COMMITTEE, INCLUDING MR. CHANDLER AND BOARD MEMBER JONES, ATTENDED A CONFERENCE DOWN IN LOS ANGELES ON SOMEWHAT RELATED ITEMS, I THINK A COUPLE OF WEEKS AGO. AND FROM THAT WE LEARNED THINGS THAT WE PROBABLY DO NOT WANT TO HAVE AS PART OF OUR CONFERENCE, WHERE JUST A WEEK OR SO BEFORE WE FOUND OUT ABOUT THAT CONFERENCE WE MAY HAVE GONE DOWN THAT ROAD, AS WELL.

IN ADDITION, WE'VE HAD A TREMENDOUS AMOUNT OF INQUIRIES BOTH FROM ALL OF THE CONSTITUENTS IN THE GROUPS AS WELL AS STAFF, AS WELL AS SPEAKERS WHO WANTED TO ATTEND. AND THOSE WOULD BE QUALITY SPEAKERS AND THOSE WHO COULD ACTUALLY HELP US AND ASSIST US WITH OUR MISSION WITH REGARD TO THIS PROJECT.

HAVING ALL SAID THAT, ONE OF THE BASIC CONCLUSIONS THAT WE HAVE REACHED, IN ADDITION TO SOME OF THE LOGISTICAL PROBLEMS THAT DO OCCUR WHEN TRYING TO COORDINATE CALENDARS, IS THE FACT THAT WHERE WE HAD ORIGINALLY HOPED TO BEGIN THE PROCESS IN SEPTEMBER. BECAUSE OF THE INPUT THAT WE'RE RECEIVING AND THE KINDS OF INFORMATION, WE ARE -- THE STEERING COMMITTEE HAS RECOMMENDED THAT WE DELAY THE CONFERENCE UNTIL SOME POINT IN THE FUTURE. AND HOPEFULLY I'LL BE ABLE TO GIVE YOU A SOLID DATE WHEN THE STEERING COMMITTEE MEETS, I BELIEVE, AGAIN ON MONDAY TO TRY AND DO THAT.

I THINK THAT IT'S VERY IMPORTANT, AS WE GO DOWN THIS ROAD, THAT WE CHART A COURSE THAT IS VERY PRUDENT. AND I THINK THAT, AS THE STEERING COMMITTEE HAS DONE, AFTER EACH MEETING THEY REALIZED THE MORE THAT THEY GET INTO IT, THE MORE THERE IS THERE TO DEAL WITH. AND, THEREFORE, WE HAVE DECIDED THAT WE WOULD MOVE ALONG AND JUST DELAY THAT ACTION. GIVEN ALSO THE FACT THAT WE HAD MANY OF THE CONSTITUENCY GROUPS THAT ARE GOING BACK TO NORTH CAROLINA, I BELIEVE, AT THE END OF SEPTEMBER OR OCTOBER. I BELIEVE SWAN IS IN OCTOBER. WE HAVE AN OUT-OF-TOWN BOARD MEETING. I CAN GO ON ABOUT ALL THE OTHER DIFFERENT CONFERENCES THAT WE HAVE.

AND I THINK AS WE LOOKED AT THE CALENDAR, EVERY TIME WE TRIED TO PLUG ONE IN THERE SEEMED TO BE A CONFLICT, AND THE GROUP THAT WOULD HAVE BEEN AFFECTED SAID, "WE REALLY WANT TO PARTICIPATE. WE WANT TO BRING OUR TOP PEOPLE." SO, GIVEN ALL OF THOSE THINGS, WE'RE GOING TO TRY AND RECOMMEND A DATE IN THE FUTURE AND BRING IT BACK TO YOU, AND WE'LL GIVE YOU AN UPDATE THERE.

AND IF THERE'S ANY OTHER QUESTIONS, I'D BE HAPPY TO ANSWER THEM AT THIS TIME.

CHAIRMAN PENNINGTON: VERY GOOD. THANK YOU, MR. EATON.

ANY QUESTIONS? MR. JONES?

MEMBER JONES: NO. BUT, MR. CHAIRMAN, ON OUR ISSUES THAT YOU HAD OFFERED US AN OPPORTUNITY TO TALK ABOUT. I WANT TO THANK MR. EATON FOR COVERING THE 21ST CENTURY BECAUSE HE'S RIGHT, THIS IS A VERY FLUID PROPOSITION.

JUST SO WHEN -- ON THAT 21ST CENTURY, WHEN YOU FOLKS GO BACK TO YOUR CITIES AND COUNTIES, OUR 50 PERCENT MANDATE IS OUR -- IT'S A KEY FOCUS OF THIS BOARD. A SUBSET OF THAT IS LOOKING INTO THE FUTURE.

SO IF YOU WERE GOING TO PUT AN ENTHUSIASM LEVEL ON ACTIVITIES, OUR 50 PERCENT MANDATE AND THE EFFORTS OF THIS BOARD AND BOARD TEAM IS A 10 ON A SCALE OF 1 TO 10. THE 21ST CENTURY IS ABOUT A 7 OR A 6. SO DON'T THINK WE'RE TRYING TO SUPPLANT THE 50 PERCENT WITH THE 21ST CENTURY. IT'S JUST A

PIECE OF IT. IT'S JUST A PIECE OF GOING FORWARD.

ON THE ITEM -- MR. CHAIRMAN, YOU HAD -- OR, OUR BOARD HAD DECIDED TO BE AN ACTIVE PARTICIPANT IN AMERICA RECYCLES DAY, AND I WAS ASKED TO BE THE STATE CO-CHAIR. AND WE'VE BEEN WORKING ON THAT QUITE A BIT.

FOR THOSE OF YOU WHO DON'T KNOW ABOUT AMERICA RECYCLES DAY, THE TAG LINE FOR AMERICA RECYCLES DAY IS IF YOU ARE NOT BUYING RECYCLED, YOU ARE NOT RECYCLING. THE WHOLE MISSION IS TO MAKE PEOPLE AWARE OF CLOSING THE LOOP.

AND WHILE THERE ARE A LOT OF ACTIVITIES OUT THERE THAT TAKE OUR ATTENTION, EARTH DAY AND THINGS LIKE THAT, SOLID WASTE AND RECYCLING ISSUES HAVE KIND OF GONE TO THE BOTTOM OF THE PAGE, AND AMERICA RECYCLES DAY IS AN EFFORT TO BRING THEM BACK UP TO THE TOP OF THE PAGE AND EFFORTS WHERE PEOPLE ARE GOING TO DO PLEDGES, THERE ARE PRIZES ON A NATIONAL LEVEL THAT CAN BE WON. ONE OF THEM IS A HOUSE MADE OUT OF 100-PERCENT RECYCLED CONTENT MATERIAL. AND THAT'S REAL DRY BOARD, AND REAL WOOD, AND REAL SHINGLES, BUT IT'S ACTUALLY ALL MADE WITH RECYCLING CONTENT MATERIAL, ALL THE STEEL, ALL THE BEAMS, ALL THE CONCRETE, EVERYTHING.

IT'S A GOOD PROJECT. WE'VE GOT PEOPLE LIKE WILD OATS THAT ARE SPONSORS, U.S. POSTAL SERVICE. WE'VE EVEN BEEN TALKING TO MCDONALD'S. THEY WANT TO BE INVOLVED AS PART OF THEIR CALIFORNIA -- OR, KEEP AMERICA BEAUTIFUL PROJECT. THEY THINK THIS HAS A LOT OF MERIT.

SO, AS WE FLUSH THOSE THINGS OUT, THIS IS GOING TO GO UP TO THE TOP OF THE PAGE. NOW, WE HAVE TWO WORKSHOPS TOMORROW, ONE IN SAN FRANCISCO AT WAR MEMORIAL AUDITORIUM, I THINK. OUR FRIEND FROM SAN FRANCISCO'S HERE, I THINK -- YEAH, AT WAR MEMORIAL, AND THEN ANOTHER ONE AT 2:30 TOMORROW AFTERNOON HERE IN THE BOARD CHAMBERS. CITIES, COUNTIES, RECYCLERS, FULL-SERVICE SOLID WASTE COMPANIES HAVE BEEN INVITED TO PARTICIPATE IN LEARNING HOW TO PUT EVENTS TOGETHER. I WOULD ENCOURAGE YOU TO DO THAT.

I WOULD ASK THE BOARD, EVEN THOUGH WE CAN'T TAKE A CONSIDERATION ON THIS -- I HAD BROUGHT UP THE IDEA THAT CITIES AND COUNTIES THAT HAD SUBMITTED THE BIENNIAL REVIEWS AND HAD MET THE FIRST PART OF THE MANDATE, THE 25 PERCENT, AND IT WAS VERIFIABLE -- UNFORTUNATELY, WE HAVE PLENTY OF CITIES AND COUNTIES THAT ARE STILL PLAYING WITH THEIR BASE YEAR, AND IT'S KIND OF HARD FOR US TO VERIFY WHETHER OR NOT THEY'VE GOT PROGRAMS IN PLACE.

BUT I'D JUST LIKE TO GET A NOD OR SOMETHING THAT -- WHAT THE IDEA IS THAT IF THIS BOARD -- THOSE JURISDICTIONS THAT HAD GONE THROUGH THE BIENNIAL REVIEW, HAD -- IT'S BEEN DETERMINED THAT THEY HAD MET THE FIRST PART OF THE MANDATE, THAT A CERTIFICATE FROM THIS BOARD ACKNOWLEDGING THAT CITY OR COUNTY BE PRESENTED AT AN EVENT AT AMERICA RECYCLES DAY. PREFERABLY IN A REGION WHERE THERE ARE A LOT OF CITIES OR COUNTIES INVOLVED, BECAUSE WE DON'T HAVE THAT MANY PEOPLE.

AND THERE ARE SOME LOGISTICS THAT WE HAVE TO WORK THROUGH, AND THERE IS ALSO A PROBLEM THAT NOT ALL CITIES

AND COUNTIES HAVE SUBMITTED THEIR BIENNIAL REVIEWS OR THAT THEY ARE IN SUCH A CONDITION THAT WE CAN'T VERIFY THEM, WHETHER OR NOT THEY'RE RIGHT OR NOT. SO THERE MIGHT BE SOME CITIES THAT HAVE HIT IT BUT AREN'T GOING TO GET ACKNOWLEDGED IF, IN FACT, THIS BOARD THINKS THAT THAT'S A PROGRAM THAT WE WANT TO DO, GIVE THOSE CERTIFICATES OUT ON AMERICA RECYCLES DAY USING BOARD MEMBERS, ADVISORS, ANALYSTS, EXEC STAFF, STAFF, WHOEVER WANTS TO PARTICIPATE TO BE A BODY THAT HANDS A CITY OR COUNTY THE ACKNOWLEDGEMENT THAT THEY'VE HIT THE FIRST PART OF THE AB 939 MANDATES.

NOW, I KNOW WE CAN'T TAKE AN ACTION BUT IT WOULD SEEM TO ME THAT A NOD WOULD WORK FOR ME.

CHAIRMAN PENNINGTON: SOUNDS GOOD. I THINK WE HAVE TIME TO PROPERLY AGENDIZE SUCH AN ITEM, TOO, SO.

MEMBER JONES: BUT I'VE GOT WORKSHOPS, AND I DON'T WANT TO MISPEAK ON BEHALF OF THE BOARD, YOU KNOW.

CHAIRMAN PENNINGTON: WELL, I THINK THAT'S PROBABLY THE GENERAL SENSE OF THE BOARD IS TO FAVOR THAT IDEA, AND WE'LL PROBABLY HAVE TO DO IT OFFICIALLY SOMEHOW. BUT I THINK YOU CAN FEEL COMFORTABLE THAT THE BOARD MEMBERS FEEL THAT THAT'S A GOOD IDEA. THANK YOU, MR. JONES.

NEXT WE'LL MOVE TO ITEM NO. 3, A PRESENTATION OF AWARD RECIPIENTS FROM THE BOARD AND LOCAL GOVERNMENT TECHNICAL ADVISORY COMMITTEE, TRASH CUTTERS AWARD PROGRAM FOR LOCAL GOVERNMENTS. JUDY FRIEDMAN, LIZ CITRINO, CHAIRMAN OF THE LOCAL GOVERNMENT AND TECHNICAL ADVISORY COMMITTEE.

AGENDA ITEM NO. 3:

MS. FRIEDMAN: GOOD MORNING CHAIRMAN PENNINGTON AND BOARD MEMBERS. I'M VERY EXCITED TO BE ABLE TO OPEN THIS ITEM TODAY. I AM HERE IN TWO ROLES, ONE AS THE DEPUTY DIRECTOR OF THE DIVERSION PLANNING AND LOCAL ASSISTANCE DIVISION, BUT ALSO AS THE TEAM LEADER OF THE LOCAL GOVERNMENT DIVERSION ASSISTANCE PRIORITY AREA TEAM.

AND THE VISION OF THE LOCAL ASSISTANCE TEAM IS THAT ALL JURISDICTIONS REACH 50 PERCENT DIVERSION BY 2000. THE TRASH CUTTERS AWARDS HELP ACHIEVE THIS VISION BY RECOGNIZING LOCAL GOVERNMENTS FOR THEIR EXCEPTIONAL EFFORTS THAT PROVIDE A RANGE OF EXCITING AND SUCCESSFUL INTEGRATED WASTE MANAGEMENT PROGRAMS.

BUT IT REALLY DOESN'T END WITH THE AWARDS TODAY. THE AWARDS ARE THE STARTING POINT FOR A SERIES OF CASE STUDIES THAT WILL BECOME VALUABLE TOOLS TO HELP LOCAL GOVERNMENTS REACH 50 PERCENT REDUCTION. THE CASE STUDIES WILL PROVIDE AN OPPORTUNITY TO SHARE SUCCESSES AMONG LOCAL GOVERNMENTS.

THE LOCAL GOVERNMENT TECHNICAL ADVISORY COMMITTEE, WHICH SERVES AS A LIAISON BETWEEN THE BOARD AND LOCAL GOVERNMENTS, WILL BE PREPARING THE CASE STUDIES TO BE COMPLETED IN THE DECEMBER TIME FRAME.

THE LGTAC, AS WE CALL IT, HAS PROVIDED INVALUABLE ASSISTANCE IN THE DEVELOPMENT AND IMPLEMENTATION OF THIS PROGRAM AND I WOULD LIKE TO COMMEND THEIR EFFORTS. THEY

HAVE TAKEN THE CONCEPT FOR THIS PROGRAM AND HAVE TURNED IT INTO A REALITY IN JUST A VERY FEW MONTHS. THIS INCLUDED THE DEVELOPMENT OF THE BROCHURE DESCRIBING THE AWARDS PROGRAM AND SELECTION CRITERIA, ITS DISSEMINATION TO ALL 531 JURISDICTIONS, AND EVALUATION OF THE APPLICATIONS. MEMBERS OF THE COMMITTEE ARE HERE TODAY TO PRESENT THE AWARDS.

I'D ALSO LIKE TO RECOGNIZE LIZ CITRINO, INTEGRATED WASTE MANAGER FROM HUMBOLDT COUNTY FOR HER LEADERSHIP AS THE CURRENT CHAIR OF LGTAC AND HER DEDICATION TO MAKING THE TRASH CUTTER AWARDS A SUCCESS.

MS. CITRINO WILL INTRODUCE THE MEMBERS OF THE COMMITTEE, WHO WILL GIVE BRIEF PRESENTATIONS ABOUT EACH OF THE PROGRAMS CHOSEN TO RECEIVE AN AWARD. AND MANY OF THE AWARD RECIPIENTS ARE HERE AS WELL.

AND WITH THAT I'LL TURN THE PRESENTATION OVER TO LIZ.

MS. CITRINO: THANK YOU, JUDY, AND MEMBERS OF THE BOARD. IT IS WITH GREAT PLEASURE THAT LGTAC JOINS THE BOARD IN CONGRATULATING THOSE OF YOU WHO HAVE COME HERE TO RECEIVE THESE AWARDS.

THE SELECTION OF THESE OUTSTANDING PROGRAMS FROM THE MANY APPLICATIONS RECEIVED WAS A DIFFICULT TASK, AND THERE ARE MANY MORE PROGRAMS THROUGHOUT THE STATE WHICH ARE ALSO WORTHY OF OUR RECOGNITION.

EACH OF THESE PROGRAMS DEMONSTRATES BOTH THE COMMITMENT OF THE LOCAL JURISDICTION TO TAKE SERIOUSLY THE JOB OF REDUCING WASTE AND AT THE SAME TIME THE ABILITY OF STAFF TO ENJOY THAT TASK. BOTH THE COMMITMENT AND THE ENJOYMENT ARE A COMMON THREAD AMONG ALL OF THESE PROGRAMS.

I'M JOINED TODAY BY SEVERAL MEMBERS OF LGTAC, INCLUDING DAVE MEYERS FROM THE MONTEREY WASTE MANAGEMENT DISTRICT, JOHN WELBOURN, CITY OF MOUNTAIN VIEW, AND MIKE MOHAJER FROM L.A. COUNTY. OTHER MEMBERS OF THE COMMITTEE INCLUDE JIM KUHLE, JOSELYN REED, BOB EPLER, JOHN BROOKS, AND JAN GOSS. THE MEMBERS OF LGTAC REPRESENT A WIDE VARIETY OF JURISDICTIONS AND WASTE REDUCTION PROGRAMS, AS DO THE JURISDICTIONS WHICH ARE HERE TODAY TO RECEIVE THESE AWARDS.

WE WILL GIVE BRIEF PRESENTATIONS ABOUT EACH OF THE OUTSTANDING PROGRAMS, AND AT THAT TIME I WOULD LIKE EACH OF THE AWARD WINNERS TO STAND WHILE THEIR PROGRAM IS DESCRIBED. AFTER THESE PRESENTATIONS ARE READ, WE'LL CALL EACH OF THE RECIPIENTS FORWARD TO JOIN US HERE TO ACTUALLY RECEIVE THE AWARD.

IT'S MY PLEASURE TO BEGIN THE PRESENTATIONS WITH THE JURISDICTION SELECTED FOR ITS OUTSTANDING ORGANICS MANAGEMENT PROGRAM, THE CITY OF PALO ALTO. THIS PROGRAM INCLUDES A COMPOSTING FACILITY WHICH HAS BEEN OPERATING FOR MORE THAN 20 YEARS AND OPERATES AT A PROFIT, PROCESSING MORE THAN 17,000 TONS PER YEAR OF YARD TRIMMINGS.

SINCE 1990, CURBSIDE COLLECTION OF YARD TRIMMINGS HAS BEEN IMPLEMENTED, FINISHED COMPOST HAS BEEN USED TO IMPROVE LANDFILL COVER QUALITY, AND THE CITY HAS ADDED

OPPORTUNITIES FOR DIVERTING FIREWOOD, CHRISTMAS TREES, ASH, HORSE BEDDING, CONSTRUCTION WOOD AND PALLETS, AS WELL AS AN EXTENSIVE COMPOST EDUCATION AND BACKYARD COMPOSTING PROGRAM.

THIS PROGRAM ENJOYS WIDESPREAD COMMUNITY SUPPORT AND PARTICIPATION AND DEMONSTRATES THAT A VARIETY OF SOLUTIONS IS OFTEN THE BEST SOLUTION IN A TRULY INTEGRATED PROGRAM.

ACCEPTING THE AWARD ON BEHALF OF THE CITY WILL BE CLARK AKATIFF, PROGRAM OPERATOR. THANK YOU, CLARK.

THE BOARD'S SECOND PRIORITY TARGETED WASTE STREAM IS CONSTRUCTION AND DEMOLITION DEBRIS. THE PROGRAM SELECTED TO RECEIVE THIS AWARD IS THE CITY OF LOS ANGELES FOR ITS MANY STRATEGIES TO ENCOURAGE THE DIVERSION OF CONSTRUCTION AND DEMOLITION MATERIALS FROM THE LANDFILL.

NOW, UNFORTUNATELY THE CITY WAS NOT ABLE TO SEND A REPRESENTATIVE TODAY, SO WE'LL MAKE SURE THEIR AWARD GETS TO THEM.

AMONG THE ELEMENTS OF THIS PROGRAM ARE A COMPREHENSIVE INFORMATION PACKET CALLED THE BUILDING INDUSTRY TOOL KIT WHICH HELPS GET CONTRACTORS STARTED ON A SUCCESSFUL APPROACH TO DIVERSION AND HAS BEEN ADAPTED BY MANY OTHER JURISDICTIONS SEEKING TO IMPLEMENT A SIMILAR PROGRAM.

THE TWO PRIMARY NEEDS OF A SUCCESSFUL DEBRIS DIVERSION PROGRAM ARE OPPORTUNITY AND INFORMATION. THE CITY'S PROGRAM MAKES SURE THAT EVERYONE HAS ACCESS TO THE INFORMATION ABOUT THESE DIVERSION OPPORTUNITIES.

THE CITY'S COMMITMENT EXTENDS TO LEADING BY EXAMPLE, WITH THE STAPLES CENTER NORTH HALL DEMOLITION PROJECT DIVERTING OVER 98 PERCENT OF THE MATERIALS GENERATED.

THE CITY'S INTEGRATED WASTE MANAGEMENT DEPARTMENT WAS RESPONSIBLE FOR THIS PROGRAM, AND WE WILL SEND THE AWARD TO THEM.

AT THIS POINT I WOULD LIKE TO INTRODUCE JOHN WELLBORN FROM THE CITY OF MOUNTAIN VIEW, WHO WILL MAKE SOME MORE OF THE PRESENTATIONS.

MR. WELLBORN: THANK YOU, LIZ.

THE PROGRAM SELECTED TO RECEIVE THE OUTSTANDING RURAL JURISDICTION AWARD COMES FROM THE OPPOSITE END OF THE STATE, THE CITY OF EUREKA.

THIS PROGRAM USES THE ENERGY AND ENTHUSIASM OF HIGH SCHOOL STUDENTS TO PROVIDE ONGOING WASTE PREVENTION EDUCATION TO ALL FOURTH GRADE CLASSES IN THE CITY THROUGH A SERIES OF ENTERTAINING SKITS AND PUPPET SHOWS AND IS BASED ON THE CONCEPT OF TEACHING BY EXAMPLE.

THE STUDENTS SET UP WORM BINS, SUPERVISE SHOPPING TRIPS, DEMONSTRATE HOW TO PACK A TRASH-FREE LUNCH, CONDUCT CLASSROOM WASTE SORTING PROJECTS, AND SET UP RECYCLING PROGRAMS THROUGHOUT THE SCHOOL SYSTEM. THESE STUDENTS ARE A GREAT EXAMPLE OF WHAT A SMALL JURISDICTION CAN ACCOMPLISH WHEN EVERYBODY PITCHES IN.

ACCEPTING THE AWARD ON BEHALF OF THE CITY OF EUREKA WILL BE DAVID TICESON, ASSISTANT CITY MANAGER.

THE NEXT AWARD COMES FROM L.A. COUNTY AND WAS

SELECTED TO RECEIVE THE OUTSTANDING URBAN JURISDICTION AWARD.

THE PROGRAMS NOMINATED BY THE COUNTY INCLUDE EVERYTHING FROM TECHNICAL ASSISTANCE TO BUSINESSES, TO YARD WASTE AND RECYCLING PROGRAMS, TO RUBBERIZED ASPHALT CONCRETE AND EVERYTHING IN BETWEEN.

THE CITY'S BUSINESS RECYCLING TECHNICAL ASSISTANCE PROGRAM PROVIDES EDUCATION AND WASTE MANAGEMENT TO LOCAL BUSINESSES, CONDUCTS SURVEYS, AND HELPS TO IMPLEMENT RECYCLING PROGRAMS TO REDUCE THE COMMERCIAL WASTE STREAM.

THE COUNTY-WIDE WARD WASTE PROGRAM HAS CONCENTRATED ON WASTE PREVENTION, BACKYARD COMPOSTING, AND PUBLIC EDUCATION TO REDUCE THE DISPOSAL OF ORGANIC MATERIALS AND ALSO INCLUDES THE COLLECTION AND RECYCLING OF CHRISTMAS TREES.

THE RESIDENTIAL CURBSIDE RECYCLING SERVICE IS AVAILABLE THROUGHOUT THE UNINCORPORATED AREA WITH SURVEYED RESIDENTS CLAIMING AN 80 PERCENT PARTICIPATION RATE IN COLLECTION PROGRAMS.

THE PUBLIC WORKS DEPARTMENT HAS TAKEN THE LEAD IN DEVELOPING USES FOR DIVERTED TIRES, INCLUDING RUBBERIZED ASPHALT CONCRETE AND SLURRY, AND ESTABLISHMENT OF A TECHNOLOGY CENTER TO PROMOTE THE USE OF THE RUBBERIZED ASPHALT CONCRETE.

IN ADDITION, THE COUNTY ALSO IMPLEMENTED AN EDUCATION PROGRAM FOR BOTH ELEMENTARY AND SECONDARY STUDENTS TO HELP ENSURE THAT RECYCLING BECOMES A HABIT FOR FUTURE GENERATIONS.

ACCEPTING THE AWARD FOR THE COUNTY WAS TO BE SHARI ASFARI, WHO MANAGES THE COUNTY'S DIVERSION PROGRAMS. HOWEVER, ACCEPTING TODAY WILL BE MIKE MOHAJER, ACCEPTING ON BEHALF OF THE COUNTY AND SHARI ASFARI, AND HE IS THE MANAGER FOR ALL WASTE MANAGEMENT PROGRAMS IN L.A. COUNTY.

MR. MYERS: DAVE MYERS, MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT. I THOUGHT PEOPLE WERE ACTUALLY GOING TO COME UP AND GET THESE. I GUESS THAT'S HAPPENING AFTERWARDS?

CHAIRMAN PENNINGTON: CORRECT.

MR. MYERS: IT'S MY PLEASURE TO PRESENT THE AWARD FOR THE OUTSTANDING REGIONAL PROGRAM TO THE SONOMA COUNTY WASTE MANAGEMENT AGENCY.

THEIR AMBITIOUS LIST OF ACTIVITIES INCLUDE PROGRAMS AS DIVERSE AS REGIONAL COMPOSTING FACILITY, A MATERIALS EXCHANGE PROGRAM, IMPLEMENTED PROGRAMS ALL INCLUDE AN EMPHASIS ON WASTE PREVENTION AND PUBLIC EDUCATION.

ACTIVITIES INCLUDE PREPARATION AND DISTRIBUTION OF A RECYCLING GUIDE, OPERATION OF AN INFORMATIONAL HOTLINE, FINANCIAL SUPPORT FOR LOCAL RE-USE BUSINESSES, BACKYARD COMPOSTING WORKSHOPS, AND AN EXTENSIVE HOUSEHOLD HAZARDOUS WASTE MANAGEMENT PROGRAM.

THIS AGENCY IS ADDING EVEN MORE PROGRAMS, INCLUDING INSTITUTIONAL FOOD WASTE COMPOSTING, EXPANDED SCHOOL ACTIVITIES, AND DEVELOPMENT OF A STRATEGY TO INCREASE RECYCLING AT SPECIAL EVENTS.

ACCEPTING THE AWARD FOR THE AGENCY TODAY WILL BE

KEN WELLS.

I'D LIKE TO ADD THAT I'VE HAD THE OPPORTUNITY TO TOUR THEIR FACILITIES, AND THEY REALLY ARE TERRIFIC.

THE NEXT AWARD IS ONE OF THE MOST IMPORTANT ELEMENTS FOR SUCCESSFUL PROGRAMS ALL OVER THE STATE. IT IS THE ELEMENT OF PARTNERSHIP. JUST AS THE BOARD ESTABLISHES WORKING RELATIONSHIPS WITH BUSINESSES AND OTHER AGENCIES, SUCCESSFUL LOCAL GOVERNMENT PROGRAMS ALSO RELY ON BUILDING CREATIVE PARTNERSHIPS.

SUCH A PROGRAM IS THE CITY OF CARSON'S BUSINESS WASTE REDUCTION AND RECYCLING PROGRAM, WHICH INCLUDES THE CITY, ITS WASTE HAULER, THE UNIVERSITY OF CALIFORNIA, AND CAL STATE, THE U.S. EPA, THE WASTE BOARD, AND OVER 120 LOCAL BUSINESSES.

STUDENT INTERNS WERE TRAINED TO CONDUCT ON-SITE AUDITS TO ASSIST BUSINESSES IN REDUCING WASTE, ACHIEVING SIGNIFICANT DIVERSION THROUGH WASTE PREVENTION AS WELL AS RECYCLING.

INFORMATION FROM THIS PARTNERSHIP WAS USED IN THE DRAFTING OF THE EPA SOURCE REDUCTION GUIDE, AND CITY STAFF CONTINUES TO WORK WITH LOCAL BUSINESSES TO PROVIDE ONGOING ASSISTANCE WITH REDUCTION AND RECYCLING PROGRAMS.

ACCEPTING THE AWARD FOR THE CITY OF CARSON WILL BE COUNCILWOMAN MARYANNE O'NEAL.

THE SEVENTH AWARD TODAY IS FOR THE CITY OF SAN FRANCISCO, WHICH SUBMITTED TWO PROGRAM NOMINATIONS. ONE FOR SAVE MONEY AND THE ENVIRONMENT II CAMPAIGN, AND THE SECOND FOR THE COMMERCIAL ORGANICS PROGRAM. UNIQUE FEATURES IN BOTH PROGRAMS RESULTED IN THEIR COMBINED SELECTION FOR THE MOST INNOVATIVE PROGRAM AWARD.

THE SAVE MONEY AND ENVIRONMENTAL II CAMPAIGN REPRESENTS THE EFFORTS OF MORE THAN 100 JURISDICTIONS WHO WORKED WITH SUPERMARKETS IN THE SAN FRANCISCO BAY AREA TO EDUCATE SHOPPERS ABOUT THE IMPORTANCE OF WASTE PREVENTION AND BUYING REUSABLE PRODUCTS.

PRODUCT SALES ANALYSIS AND CONSUMER SURVEYS DEMONSTRATE A HIGH DEGREE OF PROGRAM AWARENESS AND PARTICIPATION. AND THE PROGRAM, NOW IN ITS FOURTH YEAR, SERVES AS A MODEL FOR SIMILAR PROGRAMS THROUGHOUT THE COUNTRY.

THE CITY'S COMMERCIAL ORGANICS PROGRAM IS ALSO A PARTNERSHIP, IN THIS CASE BETWEEN THE CITY AND COUNTY'S RECYCLING PROGRAM, WASTE COLLECTION COMPANY, TWO COMPOSTING FACILITIES, AND THE SAN FRANCISCO FOOD BANK. MATERIALS DIVERTED INCLUDE PRODUCE AND FOOD DISCARDS, WAXED CORRUGATED BOXES, FLORAL AND PLANT TRIMMINGS, AND INCLUDE REDIRECTING USABLE FOOD PRODUCTS TO THE LOCAL FOOD BANK, COLLECTION BY A DAIRY FARMER OF INEDIBLE PRODUCE SORTED BY THE FOOD BANK, AND COLLECTION BY THE WASTE HAULER OF REMAINING PRODUCE FOR COMPOSTING.

MORE THAN 70 PERCENT OF PRODUCE SALVAGED BY THE FOOD BANK FROM PRODUCE WHOLESALERS IS USED IN LOCAL FOOD PROGRAMS.

THE HAULER COLLECTION PROGRAM HAS EXPANDED TO INCLUDE NOT ONLY THE LEFTOVER FOOD BANK PRODUCE, BUT ORGANICS FROM MORE THAN 150 OTHER LOCAL BUSINESSES. THIS PROGRAM HAS SUCCESSFULLY PASSED THE PILOT STAGE AND TONNAGE DIVERTED WILL INCREASE AS COLLECTIONS AND PRODUCTION EXPAND.

ACCEPTING THE AWARD ON BEHALF OF THE CITY OF SAN FRANCISCO WILL BE DAVID OSMOND AND JACK MACY, FROM THE CITY'S RECYCLING PROGRAM.

AND THE EIGHTH AWARD IS FOR THE CENTRAL CONTRA COSTA SOLID WASTE AUTHORITY AND THE CITY OF SAN RAMON, WHO SPONSOR THE HOME COMPOSTING FOR BUSY PEOPLE PROGRAM, WHICH PROVIDES BASIC INSTRUCTION ON SMALL-SCALE, ON-SITE COMPOSTING.

PARTICIPATING JURISDICTIONS INCLUDE THE CITIES OF WALNUT CREEK, LAFAYETTE, ORINDA, MORAGA, AND DANVILLE, AS WELL AS CONTRA COSTA COUNTY.

THIS PROGRAM HAS BEEN SELECTED TO RECEIVE THE BEST PREVENTION STRATEGY AWARD. THE PROGRAM, WHICH WAS BEGUN IN 1993, HAS INCREASED PARTICIPATION BY MORE THAN 130 PERCENT IN THE LAST YEAR.

PROGRAM COMPONENTS INCLUDE HOME COMPOSTING WORKSHOPS, IN-HOME INSTRUCTIONAL VIDEOS, A TELEPHONE HOTLINE, A VOLUNTEER NETWORK, SUBSIDIZED COMPOST BIN DISTRIBUTION AND DISPOSAL DISCOUNTS FOR CERTIFIED COMPOSTERS.

WORKSHOPS ARE HELD THROUGHOUT THE AREA AND EMPHASIZE SIMPLE, BASIC COMPOSTING TECHNIQUES. RENEWED INTEREST IN THE COMPOSTING PROGRAM WAS CREATED BY THE IMPLEMENTATION OF A BIN DISTRIBUTION PROGRAM WITH DISCOUNTED PURCHASE PRICE FOR THE COMPOST BINS.

THE PROGRAM ALSO CERTIFIES LOCAL RESIDENTS AS OFFICIAL COMPOSTERS, ENTITLING THEM TO A \$1.00-PER-MONTH ON THEIR GARBAGE BILL. THUS FAR AT LEAST 450 COMPOSTERS HAVE BECOME CERTIFIED. BOTH CERTIFICATION AND ENTHUSIASM ARE HIGH, AND STAFF CONTINUES TO COME UP WITH NEW INCENTIVES TO KEEP THIS EXTREMELY POPULAR PROGRAM FOR LOCAL RESIDENTS.

ACCEPTING THE AWARD FOR THE AUTHORITY TODAY WILL BE BERT CARR AND HEATHER ABRAHMS.

MALE VOICE: THE NEXT AWARD GOES TO EL CERRITO. EL CERRITO IS A SMALL RESIDENTIAL COMMUNITY IN THE WESTERN PORTION OF CONTRA COSTA COUNTY.

THE CITY HAS A LONGSTANDING RECYCLING TRADITION DATING BACK MORE THAN 20 YEARS, AND ENJOYS CONSISTENT SUPPORT FROM AREA RESIDENTS FOR THE RECYCLING PROGRAM.

EL CERRITO WAS SELECTED TO RECEIVE THE PROGRAM EXCELLENCE IN RECYCLING AWARD IN RECOGNITION OF THE IMPRESSIVE ARRAY OF RECYCLING ACTIVITIES OFFERED TO THE COMMUNITY.

ALTHOUGH MANY ASPECTS OF THE CITY'S DIVERSION PROGRAM ARE OPERATED AS PART OF A REGIONAL AUTHORITY, THE RECYCLING, PROCESSING AND EDUCATION PROGRAM ARE STILL OPERATED BY THE CITY.

WASTE AWARENESS ACTIVITIES INCLUDE JUNK ART SHOWS, A CITY-WIDE GARAGE SALE, EARTH DAY CELEBRATIONS, AND TOURS OF THE RECYCLING CENTER.

THE CITY AND THE WASTE HAULER WORK CLOSELY TOGETHER TO ENSURE THAT SERVICES ARE RESPONSIVE TO LOCAL NEEDS. THE COLLECTION SYSTEM INCLUDES WHEELED CARTS FOR CURBSIDE GARBAGE, AND GREEN WASTE COLLECTIONS, AND A CURBSIDE RECYCLING COLLECTION PROGRAM, AS WELL AS A VARIABLE CAN RATE STRUCTURE.

A COMMERCIAL COLLECTION SERVICE PICKS UP CARDBOARD, MIXED PAPER, AND WHITE OFFICE PAPER FROM AREA SCHOOLS AND PUBLIC FACILITIES, AS WELL AS LOCAL BUSINESSES.

DROP-OFF RECYCLING INCLUDES A BOOK EXCHANGE, WINE BOTTLE SEPARATION, A GOOD WILL DONATION STATION, AND FREE MULCH FOR DROP-OFF USERS.

THE COMBINATION OF A WIDE VARIETY OF RECYCLING OPPORTUNITIES AND VARIABLE CAN RATES HAVE HELPED THE CITY TRIPLE ITS DIVERSION SINCE 1990.

ACCEPTING THE AWARD FOR THE CITY OF EL CERRITO WILL BE BECKY DOWDAKIN, THE CITY'S INTEGRATED WASTE MANAGER.

THE NEXT AWARD GOES TO THE BEST EDUCATION PROGRAM, AND IS PRESENTED TO THE CITY OF BURBANK FOR ITS COMPREHENSIVE COMMITMENT TO PUBLIC EDUCATION.

AN AGGRESSIVE RECYCLING AND GREEN WASTE COLLECTION PROGRAM IS PROMOTED ON A CONTINUING BASIS THROUGH THE USE OF NEWSLETTERS, WORKSHOPS, BOOTHS AT PUBLIC EVENTS, LETTERS TO ALL NEW CHAMBER OF COMMERCE MEMBERS, SPEAKING ENGAGEMENTS AT LOCAL CLUBS, VISITS TO SCHOOLS, TEACHER PACKETS WITH LESSON PLANS, AND RECYCLING CENTER TOURS.

THE HIGHLIGHT OF THIS PROGRAM IS A LEARNING CENTER AT THE CITY'S RECYCLING FACILITY. THE LEARNING CENTER SERVES AS A CLEARINGHOUSE OF INFORMATION, AND FEATURES A MATERIALS EXCHANGE, A LENDING LIBRARY WITH VIDEOS, BOOKS AND MAGAZINES, A COMPOSTING WORKSHOP, AND DEMONSTRATION SITE.

THE EXHIBITS AT THE CENTER ARE VISITED BY MORE THAN 1500 PEOPLE EACH YEAR, AND FEATURE RECYCLMANIA AND THE CITY'S MASCOT, BILLY RAY CYCLE.

ALL SCHOOLS RECEIVE FREE RECYCLING BINS AND COLLECTION SERVICE. A SCHOOL PILOT PROGRAM FOR THE WASTE-LESS LUNCH PROJECT DEMONSTRATED THAT 85 PERCENT OF SCHOOL LUNCH WASTE CAN BE COMPOSTED AND RECYCLED.

AND EVERY YEAR THE CITY HONORS BUSINESSES AND INDIVIDUALS AS RECYCLING HEROS. WE THINK THAT THE CITY OF BURBANK'S RECYCLING STAFF ARE ALSO RECYCLING HEROS.

ACCEPTING THE AWARD ON BEHALF OF THE CITY OF BURBANK WILL BE STEVE MOHAJER AND HOPE McALOON.

MS. CITRINO: AND LAST, BUT CERTAINLY NOT LEAST, WE ONCE AGAIN HAVE THE CITY OF LOS ANGELES WHICH WILL RECEIVE THE BEST PROCUREMENT PROGRAM AWARD FOR ITS BUY RECYCLED PROGRAM AND ITS COMMITMENT TO CLOSED-LOOP PURCHASING.

THE CITY FACILITIES RECYCLING PROGRAM IS RESPONSIBLE FOR ADMINISTERING THE RECYCLING PROGRAM AT 500 CITY-OWNED AND -LEASED FACILITIES. MUCH OF THE COST OF THE RECYCLING PROGRAM IS RECOVERED THROUGH REVENUES AND AVOIDED DISPOSAL COSTS. ENVIRONMENT SAVINGS FROM THE PROGRAM EXCEED

\$2 MILLION EACH YEAR.

STAFF IS RESPONSIBLE FOR EDUCATING BUYERS, SPECIFIERS AND SUPPLY CLERKS TO INCLUDE RECYCLED CONTENT SPECIFICATIONS FOR CITY PRODUCTS ORDERED THROUGH THE CITY'S VARIOUS CONTRACTS.

IN ADDITION, THE CITY SUPPORTS A SYSTEM OF CLOSED-LOOP PURCHASES WHICH REQUIRE SUPPLIERS, VENDORS, AND CONTRACTORS TO PURCHASE RECYCLED FEED STOCK FROM THE CITY'S CONTRACT RECYCLERS, AND TO USE THOSE COLLECTED MATERIALS IN THE MANUFACTURE OF PRODUCTS SUPPLIED TO THE CITY THROUGH ITS BUY-RECYCLED CONTRACTS. TRULY CLOSING THE LOOP.

CITY POLICIES INCLUDE REUSABLE MUG DRINK REBATES, AND DOUBLE-SIDED COPYING, AND STAFF CONDUCTS BUY RECYCLED WORKSHOPS TO HELP CLOSE THE RECYCLING LOOP FOR OVER 600 DIFFERENT PRODUCTS PURCHASED BY THE CITY.

WE WERE EXPECTING THE DIRECTOR OF BUILDING SERVICES, TONY ROYSTER, TO JOIN US TO ACCEPT THAT AWARD, BUT I AM INFORMED THAT HE'S BUSY SERVING THE PUBLIC IN ANOTHER CAPACITY, HE GOT CALLED FOR JURY DUTY TODAY. SO WE WILL GET THOSE AWARDS TO THE CITY OF LOS ANGELES.

IN ADDITION TO THE 11 PROGRAMS THAT WERE SELECTED HERE TO RECEIVE THESE AWARDS, THE COMMITTEE FELT THAT THERE WERE 11 ADDITIONAL PROGRAMS THAT WE RECEIVED NOMINATIONS FOR WHICH WERE ALSO WORTHY OF RECOGNITION. AND, AS A RESULT, WE HAVE ASKED STAFF TO HELP US PREPARE CERTIFICATES FOR THOSE JURISDICTIONS WHICH WILL BE SENT TO THEM ALONG WITH A LETTER OF CONGRATULATIONS FOR THEIR PROGRAMS. AND, INDEED, CONGRATULATIONS TO ALL OUR AWARD RECIPIENTS.

AT THIS POINT I WOULD LIKE TO TURN THE FLOOR OVER TO CHAIRMAN PENNINGTON TO SAY A FEW WORDS.

CHAIRMAN PENNINGTON: THANK YOU. FIRST, I THINK WE OWE THEM AN APPLAUSE HERE. (VIGOROUS APPLAUSE.)

IT'S A PLEASURE FOR THE BOARD TO GIVE EACH OF YOU RECIPIENTS THE TRANS CUTTERS AWARD, AND WE APPRECIATE THE FINE JOB THAT YOU'RE DOING AND THE EFFORTS THAT YOU'VE PUT FORWARD TO ACHIEVE OUR ULTIMATE GOAL OF 50 PERCENT. YOU MAKE A GREAT EXAMPLE TO THE OTHER LOCAL COMMUNITIES WHICH THEY CAN FOLLOW AND SHOULD FOLLOW, AND SO WE CONGRATULATE YOU.

NOW WE'RE GOING TO GO OVER HERE AND GIVE EACH ONE OF YOU ACTUALLY THE PLAQUE. AND FOLLOWING THAT WE'RE GOING TO TAKE A FIVE-MINUTE BREAK SO WE CAN GO OUT AND PHOTOGRAPH EVERYBODY TOGETHER.

I ALSO WANT TO MAKE SURE THAT I ACKNOWLEDGE THE HARD WORK THAT LGTAC HAS DONE. AND THAT WITHOUT THEIR EFFORTS IN THIS WE WOULDN'T BE ABLE TO BE HERE CONGRATULATING YOU ALL THIS MORNING. SO I THINK WE NEED TO ACKNOWLEDGE LIZ AND THE COMMITTEE, AND THANK THEM FOR THEIR EFFORTS. (APPLAUSE.)

MS. CITRINO: FIRST IS CITY OF PALO ALTO, CLARK AKATIFF.

MR. AKATIFF: I JUST WANTED TO SAY A WORD, AS A RESIDENT AND AN EMPLOYEE OF THE CITY OF PALO ALTO. I WANT TO MAKE THE EMPHASIS THAT IT'S REALLY THE POPULATION OF THE CITY

OF PALO ALTO THAT'S EARNED THIS. THEY STARTED THE PROGRAM LONG BEFORE THERE WAS ANY MANDATE FOR IT. IN FACT, THEY ALSO RETURNED TO THE ASSEMBLY BYRON SHRR AND HE GOT EVERYBODY ON THE BANDWAGON.

MS. CITRINO: THE CITY OF LOS ANGELES IS NOT HERE, SO WE WILL SEND THEM THEIR AWARDS.

NEXT IS DAVID TICESON FROM THE CITY OF EUREKA.
LOS ANGELES COUNTY, MIKE MOHAJER FOR SHARI

AKATIFF.

MR. MOHAJER: I'D JUST LIKE TO SAY A COUPLE OF WORDS IF I MAY. I JUST WANT TO MAKE SURE THAT, ON THE BEHALF OF OUR BOARD OF SUPERVISORS, I WANT TO THANK YOU, THE WASTE BOARD, AND THE MEMBER OF THE LGTAC FOR THIS AWARD. IT MEANS A LOT.

YOU KNOW, L.A. COUNTY, OUR BOARD HAS BEEN WORKING TOWARD REDUCING THE WASTE STARTING THE MIDDLE OF 1980. AB 939 PROVIDED FURTHER INCENTIVE TO DEVELOP ADDITIONAL PROGRAM WHICH WE ARE BEING AWARDED TODAY.

WE ARE ALSO REALLY PROUD OF OUR HOUSEHOLD HAZARDOUS WASTE PROGRAM. IT IS PROBABLY THE LARGEST ONE IN THE NATION.

AND ALSO OUR USED OIL RECYCLING PROGRAM. AND ONE IMPORTANT ISSUE ABOUT THE USED OIL. OUR BOARD OF SUPERVISOR, YESTERDAY AFTERNOON THEY ADOPTED A MOTION THAT NOW THEY ARE DIRECTING ALL COUNTY DEPARTMENTS THAT ALL THE FLEET VEHICLES, THEY HAVE TO USE REFINED OIL EFFECTIVE STARTING TODAY. AND ALSO PROVIDE FOR FIVE PERCENT PURCHASE PRICE PREFERENCE, WHICH REALLY HELPS CLOSING THE LOOP. SO I PULLED OUT THE MOTION OFF THE INTERNET. SO IT DOESN'T HAVE THE SIGNATURE ON IT, BUT IT WAS ADOPTED YESTERDAY, SO I WOULD -- IF I COULD, MR. CHAIR?

CHAIRMAN PENNINGTON: SURE.

MR. MOHAJER: THANK YOU, VERY MUCH. AGAIN, AND I HOPE THIS PROGRAM WILL CONTINUE, BECAUSE IT DOES A LOT OF GOOD AT THE LOCAL LEVEL. THANK YOU AGAIN

MS. CITRINO: THE NEXT AWARD IS FOR SONOMA COUNTY REGIONAL PROGRAM. AND ACCEPTION THE AWARD WILL BE KEN WELLS.

MR. WELLS: JUST TO THE BOARD AND TO THE STAFF, THANK YOU VERY MUCH. THIS IS A GREATLY APPRECIATED RECOGNITION. IT'S MUCH NICER THAN THE OTHER THINGS WE GET OCCASIONALLY, BUT, AGAIN, FOR THE STAFF THAT WORKS WITH ME, THIS IS GREATLY APPRECIATED. WE THANK LGTAC AND THE BOARD FOR THE OPPORTUNITY. THANK YOU.

MS. CITRINO: THE NEXT AWARD WILL BE FOR THE CITY OF CARSON FOR THEIR PARTNERSHIP EFFORTS, AND ACCEPTING THE AWARD WILL BE COUNCILWOMAN MARYANN O'NEAL.

MS. O'NEAL: TO THE BOARD AND STAFF, ON BEHALF OF THE CITY OF CARSON WE'D LIKE TO THANK YOU FOR THIS AWARD. THIS HAS BEEN MADE POSSIBLE THROUGH THE HARD WORK OF JAIME LOZANO WHO TAKES CARE OF OUR WASTE MANAGEMENT PROBLEMS, AND KEN BOYCE WHO IS IN CHARGE OF MAINTENANCE FOR OUR CITY. THANK YOU AGAIN.

MS. CITRINO: THE NEXT AWARD GOES TO THE CITY OF SAN

FRANCISCO FOR TWO OF ITS VERY INNOVATIVE PROGRAMS, THE SAFE MONEY AND THE ENVIRONMENT II CAMPAIGN AND THE COMMERCIAL ORGANICS CAMPAIGN.

MR. OSMOND: I'D LIKE TO THANK THE BOARD FOR THIS AWARD, AND I'D ALSO LIKE TO GIVE CREDIT TO THE 110 CITIES AND COUNTIES THAT HAVE PARTICIPATED FOR THREE YEARS, GOING ON FOUR YEARS, IN THE SAVE MONEY AND THE ENVIRONMENT II CAMPAIGN.

MR. MACY: YES. THANK YOU VERY MUCH FOR THE HONORED RECOGNITION. AND WE ALSO THANK YOU FOR ALL THOSE INVOLVED IN THESE PROGRAMS, PARTICULARLY NORCAL WASTE SYSTEM, SUNSET SCAVENGER, AND THE FOOD BANK.

MS. CITRINO: NOW THE NEXT AWARD GOES TO CENTRAL CONTRA COSTA FOR THEIR WASTE PREVENTION STRATEGIES AND BACKYARD COMPOSTING PROGRAM. AND WE HAVE BURT CAR AND HEATHER ABRAHMS.

NOW WE HAVE THE CITY OF EL CERRITO FOR ITS RECYCLING PROGRAM, AND ACCEPTING THE AWARD ON BEHALF OF THE CITY WILL BE BECKY DOWDAKIN.

AND THE CITY OF BURBANK FOR ITS EDUCATION PROGRAM, STEVE MOHAJER AND HOPE MAKALIN.

AND THE LAST AWARD IS AGAIN THE CITY OF L.A., WHICH WE WILL MAKE SURE THEY GET.

I BELIEVE THE BOARD WAS GOING TO HAVE A SHORT BREAK, BUT WE'D LIKE EVERYBODY WHO RECEIVED AWARDS TO COME FORWARD.

**(SWITCH TO OTHER TRANS.)

CHAIRMAN PENNINGTON: -- BACK IN SESSION. WHILE WE WERE OUT WE MADE A CHANGE TO THE ORDER HERE A LITTLE BIT. WE ARE NOW GOING TO TAKE UP ITEM 22, WHICH IS THE CONTINUING BUSINESS FROM THE AUGUST 13TH BOARD MEETING. FOLLOWING THAT WE WILL TAKE UP ITEM 11, AND FOLLOWING ITEM 11 WE WILL TAKE UP ITEM 10. AND THEN WE'LL GO TO THE ORDER AS THEY'RE IN, FIVE, SIX, SEVEN, EIGHT, NINE. OKAY?

OKAY. ITEM NO. 22, CONSIDERATION OF APPROVAL OF PROPOSED RANKING CRITERIA AND SCORING PROCESS FOR TWO FISCAL YEAR 1998-99 TIRE RECYCLING GRANTS: (1) LOCAL GOVERNMENT PUBLIC EDUCATION AND AMNESTY DAY GRANTS AND (2) LOCAL GOVERNMENT PLAYGROUND COVER AND SURFACING GRANTS, KAREN CRAIGOVICH*.

AGENDA ITEM NO. 22: CONSIDERATION OF APPROVAL OF
PROPOSED RANKING CRITERIA AND SCORING PROCESS FOR
TWO FISCAL YEAR 1998-99 TIRE RECYCLING GRANTS:
(1) LOCAL GOVERNMENT PUBLIC EDUCATION AND AMNESTY
DAY GRANTS AND (2) LOCAL GOVERNMENT PLAYGROUND
COVER AND SURFACING GRANTS

MS. CRAIGOVICH: GOOD MORNING CHAIRMAN PENNINGTON AND MEMBERS. AS YOU SAID, THIS IS A CONTINUED ITEM FROM LAST MONTH. CHARLOTTE SABA* WILL MAKE A VERY BRIEF PRESENTATION AND HIGHLIGHT FOR YOU THE CHANGES THAT WE MADE TO THE ITEM.

CHAIRMAN PENNINGTON: VERY GOOD. THANK YOU.

MS. SABA: GOOD MORNING CHAIRMAN PENNINGTON AND BOARD MEMBERS.

A LITTLE BACKGROUND. THE TIRE RECYCLING ACT AUTHORIZED THE BOARD TO AWARD GRANTS TO PUBLIC ENTITIES TO FUND ACTIVITIES THAT RESULT IN REDUCED LANDFILL DISPOSAL OF WASTE TIRES. ON APRIL 29TH OF THIS YEAR THE BOARD ADOPTED A FUNDING ALLOCATION OF \$300,000 FOR PLAYGROUND COVER AND SURFACING GRANTS AND WITH A MAXIMUM GRANT AWARD OF \$25,000 WITH A 50 PERCENT MATCH BY THE LOCAL GOVERNMENT.

ALSO AT THE APRIL 29TH, 1998, MEETING THE BOARD ALLOCATED 150,000 FOR PUBLIC EDUCATION AND AMNESTY GRANTS ALSO AVAILABLE TO CALIFORNIA CITIES, COUNTIES AND THEIR SUBDIVISIONS. THE MAXIMUM GRANT AWARD UNDER THIS PROGRAM IS \$15,000 WITH A 50 PERCENT MATCH, ALSO.

DETAILS OF THE PROPOSED CRITERIA AND SCORING IN THE ITEM ARE LISTED IN ATTACHMENTS TWO AND THREE. AVAILABLE POINTS UNDER GENERAL CRITERIA IS BEING PROPOSED TO INCREASE FROM 60 POINTS FOR FISCAL YEAR '97-98 TO 70 POINTS FOR '98-99.

THIS PROPOSED CHANGE IS SUGGESTED UNDER INCREASED POINTS FOR THE CATEGORY OF NEED. THE PURPOSE OF THIS PROPOSED INCREASE IS TO ASSIST JURISDICTIONS WITH CLEARLY DEMONSTRATED NEED TO BE COMPETITIVE, ALL OTHER CRITERIA BEING EQUAL.

THE SECOND CHANGE IS UNDER THE PREFERENCE CRITERIA. PREFERENCE CRITERIA EIGHT AND NINE ARE REQUIRED BY STATUTE.

NUMBER SEVEN HAS BEEN CHANGED TO CLARIFY ITS MEANING. THIS PARTICULAR ONE, ITEM SEVEN, THAT'S BEING SUGGESTED PROVIDES A MAXIMUM OF 10 POINTS BASED ON THE

POLITICAL SUBDIVISION'S PAST THREE FISCAL YEAR TIRE GRANT PARTICIPATION.

THE PURPOSE OF THIS CRITERION AND WHY IT'S BEING SUGGESTED IS TO ENCOURAGE GREATER PARTICIPATION OF JURISDICTIONS WHICH HAVE NOT PREVIOUSLY RECEIVED TIRE GRANTS AND, ADDITIONALLY, TO HEIGHTEN STATEWIDE VISIBILITY OF THE TIRE PROBLEM AND SOLUTIONS USING RECYCLED TIRE MATERIALS.

JURISDICTIONS THAT HAVE NOT APPLIED PREVIOUSLY OR DID NOT RECEIVE A MINIMUM SCORE TO QUALIFY UNDER PAST GRANT CYCLES MAY RECONSIDER AND SUBMIT A TIRE GRANT APPLICATION TO BENEFIT FROM THIS CRITERION.

THE NOTICE OF FUNDS AVAILABLE FOR BOTH GRANT PROGRAMS ARE PREPARED FOR MAILING EARLY NEXT WEEK, AND THE NOFAS WILL ALSO BE MADE AVAILABLE ON THE BOARD NET. OVER 4,000 INTERESTED PARTIES WILL RECEIVE COPIES OF THE NOTICE OF FUNDS AVAILABLE AND SHOULD ELICIT SUFFICIENT PARTICIPATION BY CALIFORNIA CITIES AND COUNTIES.

AS AN EXAMPLE, LAST FISCAL YEAR WE RECEIVED ABOUT TWICE AS MANY TIRE GRANT APPLICATIONS THAN COULD BE FUNDED. WE EXPECT AT LEAST THAT MANY THIS YEAR, OR MORE, SINCE WE'VE BEEN RECEIVING NUMEROUS PHONE AND LETTER INQUIRIES FROM ADDITIONAL LOCAL JURISDICTIONS, PRIMARILY FROM SCHOOLS WHO WOULD LIKE TO PARTICIPATE IN THE PLAYGROUND GRANT PROGRAM.

AND THAT'S MY PRESENTATION. AND DO YOU HAVE ANY QUESTIONS?

CHAIRMAN PENNINGTON: THANK YOU. ANY QUESTIONS?

*MALE VOICE: COULD YOU GIVE ME A DEFINITION OF POLITICAL SUBDIVISION?

MS. SABA: THE SMALLEST ENTITY. FOR EXAMPLE, IT COULD BE EITHER THE CITY ITSELF, OR IT COULD BE THE COUNTY, IT COULD BE AN INDIVIDUAL SCHOOL.

*MALE VOICE: SO YOU THINK -- YOU'RE NOT LUMPING THE COUNTY AND THE CITY TOGETHER.

MS. SABA: NO, NO. THEY'RE INDIVIDUAL.

*MALE VOICE: SO IF WE HAD A SITUATION WHEREIN THE COUNTY OF EL DORADO HAD GIVEN A GRANT TO ITS PARKS AND REC DEPARTMENT IN PLACERVILLE, FOR WHATEVER REASON, THEN SOUTH LAKE TAHOE WOULD BE INELIGIBLE IF THE COUNTY MADE AN APPLICATION ON ITS BEHALF. IS THAT CORRECT?

MS. SABA: EACH INDIVIDUAL JURISDICTION MAKES THE APPLICATION.

*MALE VOICE: BUT IT COULD BE THE COUNTY.

MS. SABA: RIGHT. BUT IT WOULD BE THE PARKS AND REC PORTION OF THE COUNTY FOR EL DORADO, OR THE PARKS AND REC PORTION OF LAKE TAHOE. SO, THEY'RE CONSIDERED SEPARATE.

MS. CRAIGOVICH: THEY WOULD BE REQUIRED UNDER THE APPLICATION TO SPECIFY THE UNIT THAT WAS TO RECEIVE THE FUNDING. SO EVEN IF EL DORADO COUNTY SUBMITTED THE APPLICATION, THE APPLICATION WOULD NEED TO BE MADE ON BEHALF OF --

*MALE VOICE: RIGHT.

MS. CRAIGOVICH: -- AND THAT WOULD BE THE POLITICAL

SUBDIVISION. SO IF THE COUNTY MADE IT ON BEHALF OF THE CITY OF PLACERVILLE, THEN THE OTHER INCORPORATED CITY, SOUTH LAKE TAHOE, WOULD NOT BE PENALIZED AS A RESULT OF THAT PRIOR YEAR APPLICATION.

*MALE VOICE: AND WOULD THE SAME BE TRUE OF SCHOOLS?

MS. SABA: CORRECT.

MS. CRAIGOVICH: YES.

*MALE VOICE: SO, FOR INSTANCE, YOU MAY HAVE THE SACRAMENTO CITY SCHOOL, LET'S CALL IT SCHOOL A. NOW, IF SCHOOL B WANTED TO PARTICIPATE THE FOLLOWING YEAR THEY WOULD NOT BE PENALIZED, OR THEY WOULD NOT COME UNDER THIS PARTICULAR CRITERIA. IS THAT CORRECT?

MS. SABA: RIGHT.

MS. CRAIGOVICH: CORRECT.

*FEMALE VOICE: WHAT I DO WANT TO MAKE SURE THAT THERE IS NO CONFUSION ABOUT, THOUGH, IS THAT IN PRIOR YEAR WE HAVE HAD INDIVIDUAL POLITICAL SUBDIVISIONS THAT HAVE RECEIVED MULTIPLE GRANT AWARDS. WE HAVE SPECIFICALLY SCHOOLS THAT HAVE RECEIVED MULTIPLE AWARDS IN PRIOR YEARS, INDIVIDUAL SCHOOLS. AND UNDER THIS CRITERIA THEY WOULD NOT, THEN, BE ELIGIBLE -- OR, THEY WOULD NOT RECEIVE THE 10 POINTS UNDER THE PREFERENCE CRITERIA.

THEY COULD, HOWEVER, POTENTIALLY DEMONSTRATE A NEED, AS WE DISCUSSED AT THE LAST MEETING UNDER THE NEED CRITERIA, UNDER THE GENERAL SECTION, THE GENERAL SCORING SECTION.

*MALE VOICE: AND THE RATIONALE FOR GOING BACK THREE YEARS, THAT'S A CHANGE AS WELL.

*FEMALE VOICE: NO, IT'S THE SAME. THAT WAS --

*MALE VOICE: THE RATIONALE FOR THREE AS OPPOSED TO ONE OR TWO. THREE YEARS IS QUITE A DISTANCE IN TIME --

*FEMALE VOICE: ALMOST ALL OF OUR GRANT AWARDS RUN A THREE-YEAR CYCLE. THE FUNDING IS AVAILABLE ON A THREE-YEAR BASIS. SO THAT WAS THE RATIONALE. BECAUSE WE MAY, IN FACT, HAVE CURRENTLY OPERATING GRANTS GOING BACK TO '96-97 AT THIS POINT. AND '95-96 THAT ARE CURRENTLY BEING CLOSED OUT.

*MALE VOICE: OKAY.

CHAIRMAN PENNINGTON: ANY OTHER QUESTIONS ON THIS ITEM?

MEMBER JONES: I JUST HAVE ONE.

CHAIRMAN PENNINGTON: YES, MR. JONES.

MEMBER JONES: UNDER THIS NUMBER SEVEN ON THE PREFERENCE, IS IT A BOARD TIRE GRANT FOR AN AMNESTY DAY OR ANY GRANT THAT WE'VE GIVEN ON TIRES?

LIKE IF THEY WERE TO DO A PLAYGROUND AND THEN THEY WERE GOING TO DO A RUNNING TRACK, THE SAME SCHOOL, DIFFERENT YEARS -- ACTUALLY THAT'S A BAD EXAMPLE, THEY'D BOTH BE UNDER THE SAME PROGRAM.

HOW ABOUT IF THEY DID SOME PLAYGROUND COVER MAT AND THEN FOR SOME REASON -- I MEAN, HOW MANY ARE THEY *(SIC) AVAILABLE TO THE SCHOOLS? TWO DIFFERENT PROGRAMS?

*FEMALE VOICE: TO THE SCHOOLS HERE?

MEMBER JONES: YEAH.

*FEMALE VOICE: UNDER WHAT'S BEING PROPOSED RIGHT
HERE?

MEMBER JONES: OR WHAT PROGRAMS WE HAVE --

*FEMALE VOICE: JUST THE ONE?

MEMBER JONES: JUST THE ONE. OKAY. ALL RIGHT.

*FEMALE VOICE: THE PLAYGROUND GRANT PROGRAM.

MEMBER JONES: IF A CITY WERE TO GET A RUBBERIZED
ASPHALT -- LET'S SAY OUR GRANT WHERE WE DO RUBBERIZED PAVEMENT
AND WE GIVE THEM THE MONEY TO DO THE TESTING, AND THEN THEY
CAME BACK AND WANTED TO DO AN AMNESTY PROGRAM WOULD THEY BE
PENALIZED?

*FEMALE VOICE: I WOULD ANSWER NO, BECAUSE THOSE
FUNDS ARE NOT BEING MADE AVAILABLE THROUGH THE BOARD, THEY ARE
BEING MADE AVAILABLE THROUGH THE TECHNOLOGY CENTER.

MEMBER JONES: THROUGH THE TECH CENTER. OKAY. NO
PROBLEM THEN.

CHAIRMAN PENNINGTON: ANY ADDITIONAL QUESTIONS? MR.
FRAZEE?

MEMBER FRAZEE: IF NOT, I WOULD MOVE ADOPTION OF
RESOLUTION 98-265.

*MALE VOICE: I'LL SECOND.

CHAIRMAN PENNINGTON: *(INDISC/INAUD). IF THE STAFF
WILL CHANGE THE RESOLUTION? IT DOESN'T HAVE THE WORDS
"POLITICAL SUBDIVISION" IN IT, IF THEY'LL MAKE THAT CHANGE?

ANY FURTHER DISCUSSION?

IF NOT, WILL THE SECRETARY CALL THE ROLL,
PLEASE?

THE SECRETARY: BOARD MEMBER EATON?

MEMBER EATON: NO.

THE SECRETARY: FRAZEE?

MEMBER FRAZEE: AYE.

THE SECRETARY: JONES?

MEMBER JONES: AYE.

THE SECRETARY: CHAIRMAN PENNINGTON?

CHAIRMAN PENNINGTON: AYE.

MOTION FAILS.

NOW WE'LL MOVE TO --

*FEMALE VOICE: CHAIRMAN PENNINGTON, CAN I SEEK SOME
CLARIFICATION?

CHAIRMAN PENNINGTON: SURE.

*FEMALE VOICE: SINCE THAT MOTION HAS FAILED WE HAVE
TWO GRANT PROGRAMS NOW TALLING \$450,000 THAT WE DO NOT HAVE
CRITERIA TO PROCEED WITH. WHAT WOULD BE THE BOARD'S DIRECTION
IN TERMS OF MAKING THOSE FUNDS AVAILABLE, OR HAVING THEM
CONSIDERED FOR REALLOCATION AT A SUBSEQUENT DATE?

CHAIRMAN PENNINGTON: WELL, I THINK SINCE WE HAVE NO
CRITERIA TO ISSUE IT THEN WE CAN'T ISSUE THE MONEY. AND SO IT
WOULD BE MY ASSUMPTION THAT WE'LL HAVE TO BRING IT BACK TO THE
BOARD.

*FEMALE VOICE: WOULD THAT BE BROUGHT BACK AS A
REALLOCATION ITEM, OR AS PROPOSED CRITERIA FOR THESE SAME TWO

PROGRAMS?

CHAIRMAN PENNINGTON: I WOULD THINK PROPOSED CRITERIA FOR THESE TWO PROGRAMS.

MEMBER JONES: WELL --

CHAIRMAN PENNINGTON: MR. JONES?

MEMBER JONES: MAYBE WE NEED -- ARE THERE ISSUES WE CAN FIX TODAY OR IS THERE --

*MALE VOICE: NO. I HAD A DISCUSSION WITH REGARD TO THE CRITERIA THAT I DISCUSSED AND THEN GOT THE AGENDA ITEM AND HAD NO FURTHER SUBSEQUENT CONVERSATION ON IT. AND I THINK IT CAN BE FIXED, I'M JUST NOT REAL COMFORTABLE WITH THE WAY THE POLITICAL SUBDIVISION STUFF WORKS. AND I THINK THAT'S A SITUATION THAT I THINK CAN BE CORRECTED. I AM WILLING TO WORK ON IT, AND WILL CONTINUE TO WORK ON IT. AND I DON'T THINK IT'S AN ALL OR NOTHING, I'M JUST NOT COMFORTABLE WITH IT.

MEMBER JONES: CAN WE CONTINUE IT FOR TWO WEEKS THEN, TO GET IT --

CHAIRMAN PENNINGTON: WELL, YOU HAVE A MOTION THAT WAS DEFEATED. I ASSUME YOU CAN MAKE A MOTION TO CONTINUE THIS AT THE NEXT MEETING.

*MALE VOICE: YEAH, BECAUSE WE DIDN'T CONCUR OR NOT CONCUR, SO I'D LIKE TO JUST CONTINUE IT TO THE NEXT BOARD MEETING AND SEE IF THAT GIVES EVERYBODY THE TIME TO GET IT FIXED.

*MALE VOICE: I'D BE HAPPY TO SECOND THAT MOTION.

*MALE VOICE: DOES THAT WORK?

*FEMALE VOICE: SO WHAT WE ARE GOING TO BE REVISITING IS, THEN, THE DEFINITION OF THE POLITICAL SUBDIVISION? IS THAT WHAT YOU WOULD LIKE BROUGHT BACK?

*MALE VOICE: YEAH. I'M NOT JUST GOING TO LIMIT IT JUST TO POLITICAL SUBDIVISIONS. I MEAN, THAT IS MY MAIN POINT BUT I THINK THAT THERE COULD BE OTHER ISSUES THAT ARISE IN THE DISCUSSION, AND I'M NOT GOING TO -- I RESERVE THE RIGHT TO RAISE OTHER ISSUES. I'M JUST NOT GOING TO LIMIT IT TO THAT.

*MALE VOICE: SURE. SURE. YEAH.

CHAIRMAN PENNINGTON: OKAY. WE HAVE A MOTION TO CONTINUE THIS ITEM, OR BRING THIS ITEM BACK TO THE NEXT BOARD MEETING. IT'S BEEN SECONDED.

IF THERE'S NO FURTHER DISCUSSION, WILL THE SECRETARY CALL THE ROLL?

THE SECRETARY: BOARD MEMBER EATON?

MEMBER EATON: AYE.

THE SECRETARY: FRAZEE?

MEMBER FRAZEE: AYE.

THE SECRETARY: JONES?

MEMBER JONES: AYE.

THE SECRETARY: CHAIRMAN PENNINGTON?

CHAIRMAN PENNINGTON: AYE.

THE MOTION CARRIES.

MOVE TO ITEM NO. 11, CONSIDERATION OF A NEW SOLID WASTE FACILITY PERMIT FOR THE HUMBOLDT COUNTY WASTE MANAGEMENT AUTHORITY TEMPORARY TRANSFER STATION IN HUMBOLDT

COUNTY. *(INDISC/INAUD; A NAME)

AGENDA ITEM NO. 11: CONSIDERATION OF A NEW SOLID
WASTE FACILITY PERMIT FOR THE HUMBOLDT COUNTY
WASTE MANAGEMENT AUTHORITY TEMPORARY TRANSFER
STATION IN HUMBOLDT COUNTY

MS. TURNER: GOOD MORNING, CHAIRMAN --

CHAIRMAN PENNINGTON: EXCUSE ME JUST ONE SECOND.
WHEN IS THE NEXT BOARD MEETING?

*MALE VOICE: SEPTEMBER 10TH.

CHAIRMAN PENNINGTON: SEPTEMBER 10TH, OKAY.

*MALE VOICE: GOOD MORNING.

MS. TURNER: -- AND BOARD MEMBERS. I'M GEORGEANNE*
TURNER OF THE PERMITTING AND INSPECTION BRANCH. AS YOU
MENTIONED, THIS ITEM IS FOR CONSIDERATION OF A 550-TON A DAY
NEW TRANSFER STATION FOR HUMBOLDT COUNTY.

BEFORE WE GET -- THERE ARE SEVERAL ISSUES
SURROUNDING THIS SITE, AND WHAT I'D LIKE TO DO IS OUTLINE SOME
OF THE OUTSTANDING ISSUES THAT WERE LEFT IN THE AGENDA ITEM
AND TELL YOU WHAT THE PROJECT CHANGES HAVE BEEN, GO THROUGH
THOSE BORING DETAILS AND THEN WE'LL GET ON TO THE MORE
INTERESTING TOPICS.

BASICALLY, AS YOU KNOW, THE AGENDA ITEM, WHEN IT
WAS WRITTEN WE HAD OUTSTANDING CEQA ISSUES. BASICALLY THE
CITY OF ARCATA'S* CITY COUNCIL HAD NOT ACTED ON THE PROJECT.
THEY HAVE DONE SO, AND THEY APPROVED THE PROJECT ON AUGUST
19TH, 1998. AND, BASED ON PUBLIC COMMENT, THERE HAVE BEEN
SEVERAL CHANGES TO THE PROJECT WHICH WOULD CHANGE OUR AGENDA
ITEM AND THE PROPOSED PERMIT. SO, I'D LIKE TO GO THROUGH
THOSE RIGHT NOW.

THE FIRST PAGE, PAGE 11-1* IN THE AGENDA
PACKAGE, THE PROPOSED AREA IS NOW TWO-POINT-FIVE INSTEAD OF
THREE ACRES. THIS IS BASED ON THE LOCATION OF THE TRANSFER
STATION BEING MOVED, AND I'LL GO INTO FURTHER DETAIL IN JUST A
MOMENT.

ON PAGE TWO, HUMBOLDT COUNTY HAS A NEW DIRECTOR,
BRIAN COX*, AND SO THAT SHOULD BE NOTED IN THE AGENDA ITEM.

ON PARAGRAPH ONE, THE SECOND-TO-LAST SENTENCE,
IT STATES THAT THE CITY OF FORTUNA IS NOT IN THE AUTHORITY
YET. THEY HAVE NOW JOINED THE AUTHORITY.

ON PAGE THREE, THE PROPOSED PROJECT DESCRIBES
THE HOURS OF OPERATIONS BETWEEN 6:00 A.M. AND 4:00 P.M.,
MONDAY THROUGH FRIDAY. THIS HAS BEEN CHANGED, AS PART OF
MITIGATING SOME ENVIRONMENTAL CONCERNS FROM THE PUBLIC, TO
7:00 A.M. TO 5:00 P.M., AND THE OPERATIONS ON SUNDAY WILL NOW
BE OMITTED.

ON PAGE FOUR, THE LAST SENTENCE OF THE LAST
PARAGRAPH INDICATES THAT THE CITY OF ARCATA HAD NOT TAKEN
ACTION ON THE ITEM, AND AS I JUST MENTIONED, THERE WAS ACTION
FOR APPROVAL ON AUGUST 19TH, AND THE NOTICE OF DETERMINATION
WAS FILED ON AUGUST 21ST, 1998.

ADDITIONALLY, WE HAVE RECEIVED AN AMENDMENT TO
THAT MITIGATED NEGATIVE DEC ON AUGUST 25TH CLARIFYING SOME OF

THE PROJECT DESCRIPTION.

ON ATTACHMENT ONE, WHICH SHOULD HAVE BEEN PASSED OUT PRIOR TO THIS ITEM, SHOWS THE CHANGED PROJECT OUTLINE, OR DESIGN. THE BUILDING IN YOUR ITEM IS LOCATED ON PARCEL NINE AND NOW IT HAS BEEN RELOCATED ON PARCEL EIGHT. ORIGINALLY THE PROJECT INCLUDED TWO BUILDINGS. IT HAS BEEN SCALED BACK TO ONE BUILDING. THIS IS BASED ON THE FACT THAT THERE WILL BE NO SELF-HAUL TO THIS TRANSFER STATION, WHICH WAS A DECISION OF THE CITY COUNCIL IN RESPONSE TO TRAFFIC ISSUES. SO, THE TRAFFIC WILL NOW BE REDUCED APPROXIMATELY BY HALF BY NOT ALLOWING SELF-HAUL TO THIS FACILITY.

THE TRANSFER STATION MOVING TO THIS OTHER PARCEL HAD TO DO WITH OTHER MITIGATION MEASURES, TOO, OR MITIGATING CONCERNS.

OKAY. THE NEXT ATTACHMENT, ATTACHMENT TWO, WAS THE PROPOSED PERMIT. YOU SHOULD HAVE RECEIVED A NEW PROPOSED PERMIT. AND SIMILAR CHANGES HAVE OCCURRED IN THIS, BUT I'LL JUST GO THROUGH THEM FOR THE RECORD.

THE PERMITTED HOURS OF OPERATIONS HAVE CHANGED, 7:00 TO 5:00 ON MONDAY THROUGH FRIDAY, SUNDAY HAS BEEN OMITTED.

AND THE HANDLING AND PROCESSING OF WASTE HAS BEEN ADJUSTED ACCORDINGLY.

THE LEA HAS ADDED IN A TRAFFIC VOLUME OF 150 VEHICLES, AND THE PERMITTED AREA IS NOW TWO-POINT-FIVE INSTEAD OF THREE.

ON PAGE TWO, FINDING "D"* TALKS ABOUT THE DESIGN OPERATION BEING IN COMPLIANCE WITH STATE STANDARDS. AND THIS IS BASED ON THE REVIEW OF THE RSI DATED AUGUST, 1998, INSTEAD OF JUNE 10TH, 1998.

AND FINDING "E," THIS NOW STATES THAT THE NOTICE OF DETERMINATION WAS FILED ON THE 21ST OF THIS MONTH, AS WELL AS THE APPROVAL OF THE PROJECT ON THE 19TH.

OKAY. I THINK THAT CONCLUDES THE CHANGES IN THE PACKAGE, AND I APOLOGIZE FOR THE LATE SUBMITTAL OF THAT BUT I JUST RECEIVED THEM MYSELF.

AS PART OF THE PERMIT PACKAGE THE LEA MUST CERTIFY THAT THE RSI MEETS THE TITLE 14 REQUIREMENTS OF THE RSI, AND THAT THE CEQA DOCUMENT IS CONSISTENT WITH THE MITIGATED NEG DEC OR ANY OTHER CEQA DOCUMENT THAT'S BEEN PREPARED. THE LEA HAS DONE THAT IN A LETTER DATED AUGUST 19TH, 1998.

AT THIS TIME I'D LIKE TO TURN IT OVER TO KEVIN METCALF* OF THE HUMBOLDT COUNTY ENVIRONMENTAL HEALTH DEPARTMENT, LEA, FOR HIM TO GO INTO SOME FURTHER DETAIL OF HIS REVIEW ON THIS PROJECT.

MR. METCALF: HELLO AND GOOD MORNING, BOARD MEMBERS AND ALL OF YOU.

AS THE LEA, WE HAVE PROPOSED THIS PERMIT ON BEHALF OF THE HUMBOLDT COUNTY WASTE MANAGEMENT AUTHORITY. WE HAVE DETERMINED THAT THE PROPOSED PERMIT IS CONSISTENT WITH THE PUBLIC RESOURCES CODE AND THE REGULATIONS ADOPTED BY THE

BOARD APPLICABLE TO THIS FACILITY.

I DO BELIEVE THAT THE BOARD CAN FIND THAT THE PROPOSED PERMIT IS CONSISTENT WITH STATE MINIMUM STANDARDS AND CAN CONCUR IN THE ISSUANCE OF THE PERMIT SUBMITTED.

I KNOW THAT YOU WILL HAVE -- OR, HEAR COMMENTS TODAY AND SO I WON'T SAY ANYTHING MORE AT THIS TIME. BUT I WILL BE AVAILABLE FOR ADDITIONAL QUESTIONS THAT MAY BE DIRECTED TOWARDS THE LEA. THANK YOU.

MS. TURNER: IT IS MY UNDERSTANDING AT THIS TIME THE APPLICANT AND NORCAL* WASTE SYSTEMS HAS QUITE A BIT OF INFORMATION THAT THEY MAY WANT TO PROVIDE TO US, THAT WE MAY WANT TO CONSIDER PRIOR TO MAKING A DECISION OR RECOMMENDATION ON THIS ITEM.

CHAIRMAN PENNINGTON: ANY QUESTIONS OF STAFF AT THIS POINT? OKAY. IF NOT, WE'LL HEAR FROM THE PUBLIC. THE FIRST ONE IS GERALD KINDSFATHER*.

MR. KINDSFATHER: GOOD MORNING. THANK YOU TO BOARD MEMBERS FOR HEARING THIS. MY NAME IS GERALD KINDSFATHER, GENERAL MANAGER FOR THE HUMBOLDT COUNTY SOLID WASTE AUTHORITY.

THE SOLID WASTE AUTHORITY WAS FORMED ABOUT A YEAR AND A HALF AGO FOR THE PURPOSE OF DOING DISPOSAL PLANNING FOR THE AGENCIES IN HUMBOLDT COUNTY. THERE ARE SEVEN CITIES - SIX CITIES IN THE COUNTY THAT ARE IN THE AUTHORITY.

AFTER FORMATION THE AUTHORITY DRAFTED A REQUEST FOR PROPOSALS AND DISTRIBUTED WELL OVER A HUNDRED OF THOSE PROPOSALS AROUND THE COUNTRY, RECEIVED EIGHT PROPOSALS IN RESPONSE, EIGHT GOOD PROPOSALS, AND THEN WENT THROUGH THE PROCESS OF NARROWING THAT DOWN TO OUR FINALIST. IT WAS A VERY DETAILED AND EXHAUSTIVE PROCESS BECAUSE WE HAD EIGHT GOOD PROPOSALS. THE TWO FINALISTS WERE BLT ENTERPRISES AND ECDC ENVIRONMENTAL. OF THOSE TWO FINALISTS ECDC ENVIRONMENTAL WAS CHOSEN AS THE FINALIST.

WHAT THE AUTHORITY IS LOOKING FOR HERE IS A PUBLICLY-OWNED TRANSFER STATION OPERATED BY A PRIVATE OPERATOR, TRANSPORT BY A PRIVATE TRANSPORT COMPANY, AND LANDFILL BY A PRIVATE COMPANY.

THE REASON FOR PUBLIC OWNERSHIP IS TWOFOLD. ONE IS WE FEEL THAT -- THE AUTHORITY BOARD FEELS THAT THE PUBLIC SHOULD TAKE THE FINANCIAL RESPONSIBILITY FOR PURCHASING AND INVESTING IN A TRANSFER STATION, AND ALSO GET THE BENEFIT, THE LONG-TERM BENEFIT OF THAT INVESTMENT.

SECONDLY, BECAUSE HUMBOLDT COUNTY IS SO GEOGRAPHICALLY ISOLATED IT'S IMPERATIVE THAT THERE BE PUBLIC CONTROL OF THAT TRANSFER STATION. HUMBOLDT COUNTY IS VERY ISOLATED. IT IS ROUGHLY FIVE HOURS' DRIVE TO THE NEXT DISPOSAL FACILITY. YOU'RE LOOKING AT MEDFORD, REDDING SOUTH TO THE POTRERO* HILLS AREA. BECAUSE OF THAT GEOGRAPHIC ISOLATION WE CAN ESSENTIALLY BE HELD HOSTAGE, SO THE BOARD FELT IT WAS IMPERATIVE THAT PUBLIC CONTROL OF THE TRANSFER STATION WOULD COME THROUGH PUBLIC OWNERSHIP OF THE TRANSFER STATION.

WHEN WE DID THE REQUEST FOR PROPOSALS -- AS YOU

MAY KNOW, CURRENTLY OPERATING IN HUMBOLDT COUNTY IS THE CUMMINGS* *(INDISC/INAUD) LANDFILL. THE LANDFILL STARTED IN THE 1930S. THERE WAS A CONTRACT WRITTEN IN 1978, ACTUALLY SEPTEMBER OF 1978, FOR USE OF THAT LANDFILL. THAT CONTRACT EXPIRES IN '98, IN ABOUT A MONTH FROM NOW, A LITTLE OVER A MONTH.

IN DOING THE REQUEST FOR PROPOSALS WE ACKNOWLEDGED THAT THERE WAS SOME REMAINING CAPACITY AT THAT LANDFILL. AND IN THE REQUEST FOR PROPOSALS WE HAD SPECIAL PROVISIONS FOR USE OF THAT CAPACITY, AND THOSE PROVISIONS INCLUDED HAVING THE EXISTING CONTRACTOR SUBMIT A PROPOSAL SPECIFICALLY FOR THAT CAPACITY.

ALSO, IF THEY CHOSE TO DO SO, WE ACKNOWLEDGED THAT WE WERE WILLING TO LISTEN TO A PROPOSAL THAT THEY COULD SUBCONTRACT FOR USE OF THAT CAPACITY. WE SUBMITTED A DRAFT AGREEMENT TO GET NEGOTIATIONS GOING. WE RECEIVED NO PROPOSAL FROM THAT COMPANY.

SO, IN PROCEEDING WITH OUR EFFORTS TO SITE A TRANSFER STATION WE LOCATED A SITE ON HILLTHICKER* LANE IN EUREKA. THE PERMITTING FOR THAT SITE ON HILLTHICKER LANE, BECAUSE IT WOULD REQUIRE A ZONE CHANGE IN THE CITY OF EUREKA, DROVE THE DECISION TO GO TO THE -- DO AN EIR FOR THAT FACILITY.

ALSO THERE ARE WETLANDS ON THAT FACILITY, FISH AND GAME IDENTIFIED SOME POSSIBLE WETLANDS AND WE HAVE TO DO AN ANALYSIS ON THAT SITE.

ALSO, BECAUSE OF THE DESIGN THAT WE'RE LOOKING FOR IN THIS FACILITY, WE'RE LOOKING FOR THE GRAVITY COMPACTION SYSTEM, WHEREIN YOU HAVE A TRAILER THAT IS IN A TUNNEL UNDERNEATH THE TIPPING FLOOR. AND BECAUSE OF THE EFFICIENCIES OF THAT WE ARE ANXIOUS TO GET TO THAT IN OUR PERMANENT FACILITY. AND BECAUSE OF THAT DESIGN THERE'S A SUBSTANTIAL AMOUNT OF FILL THAT WOULD NEED TO BE BROUGHT IN, AND THAT WOULD CHANGE THE DRAINAGE OF THE SITE.

SO THOSE -- THE ZONE CHANGE, THE WETLANDS ANALYSIS, THE CHANGE BECAUSE OF THE GRAVITY SYSTEM, THE GEOTECHNICAL THAT IS DRIVEN FROM THAT, ALL OF THOSE DROVE THE DECISION TO HAVE AN EIR.

UNFORTUNATELY, DEMOLITION OF THE BUILDINGS ON THE HILLTHICKER SITE REQUIRE -- WE WERE REQUIRED TO GO THROUGH THE COASTAL COMMISSION. SO THERE WERE ESSENTIALLY TWO LOOPS THROUGH THE COASTAL COMMISSION FOR THIS SITE, ONE IS DEMOLITION OF THE EXISTING STRUCTURES, SECONDLY WOULD BE OUR PERMITTING TO GO ON THE SITE. THE COASTAL COMMISSION HAS A BACKUP AND THERE IS A SUBSTANTIAL AMOUNT GOING THROUGH IT IN ONE LOOP, AND WE WOULD HAVE TO GO THROUGH TWO LOOPS.

WE'VE ATTEMPTED TO NEGOTIATE WITH CITY GARBAGE COMPANY FOR USE OF THEIR EXISTING TRANSFER STATION. THEY HAVE BEEN UNWILLING TO NEGOTIATE FOR USE OF THAT TO ALLOW US ENOUGH TIME TO DESIGN, PERMIT, AND OPEN OUR PERMANENT FACILITY.

SO, WE'RE ESSENTIALLY FORCED INTO A SITUATION OF LOOKING AT AN INTERIM FACILITY, AND THAT'S THE PERMIT THAT YOU

HAVE BEFORE YOU TODAY.

I UNDERSTAND THERE ARE SOME CONCERNS THAT THIS NEG DEC FOR THIS INTERIM FACILITY IS A CIRCUMVENTING OF THE ULTIMATE EIR THAT WE PROPOSED FOR THE HILLTHICKER SITE, OR THE PERMITTING OF THE PERMANENT. I ASSURE YOU THAT IS NOT THE CASE. WE PLAN ON BEING BEFORE YOU IN ABOUT A YEAR FOR PERMITTING OF OUR PERMANENT SITE.

WE ARE VERY PROUD OF OUR WASTE REDUCTION ACTIVITIES IN HUMBOLDT COUNTY. AS YOU MAY KNOW, WE HAVE ALREADY REACHED OUR 50 PERCENT GOAL. WE INTEND ON GOING BEYOND THAT 50-PERCENT GOAL, WE PLAN ON NOT STOPPING -- ONE OF THE REASONS ECDC ENVIRONMENTAL WAS CHOSEN AS OUR FINALIST IS BECAUSE OF THEIR WILLINGNESS AND THEIR CREATIVITY IN WORKING WITH US ON FURTHERING THOSE WASTE REDUCTION EFFORTS.

WE WOULD LIKE TO BE EQUALLY AS PROUD OF THE DISPOSAL METHOD THAT WE HAVE FOR WHAT WASTE DOES REMAIN. WE NEED YOUR HELP IN DOING THAT. WE WOULD LIKE -- WE REQUEST A DECISION FROM THE BOARD, IF THAT IS POSSIBLE, TODAY ON THIS ISSUE.

WE HAVE WITH US TODAY ALSO BILL GRAHAM* FROM ECDC ENVIRONMENTAL, THE OPERATOR. WE HAVE DAVID TICESON* FROM THE CITY OF EUREKA, WHICH YOU MET DAVE EARLIER IN THE PRESENTATION CEREMONY. KEN CURTIS*, ARCATA PLANNING DIRECTOR. AND LIZ CITRINO*, WHOM YOU ALSO MET THIS MORNING AND ALREADY KNOW.

I'LL BE AVAILABLE FOR FURTHER QUESTIONS IF YOU HAVE ANY.

CHAIRMAN PENNINGTON: ANY QUESTIONS AT THIS TIME?

MEMBER JONES: I HAVE A COUPLE.

CHAIRMAN PENNINGTON: YES, MR. JONES.

MEMBER JONES: THE CITY OF ARCATA SAYS NO SELF-HAUL AT THIS TEMPORARY FACILITY?

MR. KINDSFATHER: CORRECT.

MEMBER JONES: WHERE IS THAT GARBAGE GOING TO GO?

MR. KINDSFATHER: THERE IS NO MANDATORY GARBAGE CURRENTLY --

MEMBER JONES: YEAH, BUT PEOPLE USUALLY GENERATE IT.

MR. KINDSFATHER: WHAT'S THAT?

MEMBER JONES: THEY USUALLY GENERATE IT.

MR. KINDSFATHER: CORRECT. AND WHAT I'M SAYING IS THE PEOPLE WHO -- BECAUSE THERE'S NO MANDATORY GARBAGE THERE SOME PEOPLE WHO DO A SUBSTANTIAL AMOUNT OF SELF-HAUL, ONE OF THE FAIRLY EASY SOLUTIONS WOULD THAT THOSE PEOPLE COULD SIGN UP -- THOSE PEOPLE IN EUREKA COULD SIGN UP FOR GARBAGE SERVICE, THAT WOULD BE MORE BUSINESS FOR CITY GARBAGE, THE COLLECTION OF THE -- YOU'RE FROWNING.

CURRENTLY A LOT OF THE SELF-HAUL IS BECAUSE THERE IS NO MANDATORY GARBAGE IN HUMBOLDT COUNTY. A LARGE PERCENTAGE OF PEOPLE DO SELF-HAUL TO THE TRANSFER STATION. IF THAT IS NOT AVAILABLE THEY CAN SIMPLY SIGN UP FOR GARBAGE SERVICE. THE PEOPLE IN EUREKA CAN SIGN UP FOR GARBAGE SERVICE WITH CITY GARBAGE. THOSE PEOPLE IN ARCATA CAN SIGN UP THROUGH

ARCATA GARBAGE FOR GARBAGE SERVICE.

AND THEN FOR ADDITIONAL SELF-HAUL THE EEL RIVER DISPOSAL TRANSFER STATION DOES TAKE SELF-HAUL FOR PEOPLE WHO LIVE IN THAT AREA. MCKINLEYVILLE DOES HAVE A SMALL SELF-HAUL TRANSFER STATION. THERE ARE ALSO OUTLYING TRANSFER SITES. AND, ODDLY ENOUGH, PEOPLE DO DRIVE OUT TO THE OUTLYING TRANSFER SITES TO SELF-HAUL. FOR EXAMPLE, THE CARLOTTA* SITE, WHICH IS A RURAL SITE, 20 PERCENT OF ITS BUSINESS COMES FROM THE CITY OF FORTUNA, AND WHY THESE PEOPLE WANT TO DRIVE OUT TO THE COUNTRY TO GO TO AN OUTLYING TRANSFER SITE IS BEYOND ME. BUT, THE POINT IS, IS THAT THOSE PEOPLE WILL DO IT IF THEY NEED IT. IT IS THERE.

CHAIRMAN PENNINGTON: ANY OTHER QUESTIONS FROM THE BOARD MEMBERS?

THANK YOU.

MR. KINDSFATHER: THANK YOU.

CHAIRMAN PENNINGTON: NOW, NEXT WE'LL HEAR FROM KEN CURTIS.

MR. CURTIS: GOOD MORNING. MY NAME IS KEN CURTIS, COMMUNITY DEVELOPMENT DIRECTOR FOR THE CITY OF ARCATA.

AS WAS INDICATED, THE CITY COUNCIL OF THE CITY OF ARCATA DID APPROVE THE CONDITIONAL USE PERMIT FOR THIS WASTE TRANSFER STATION ON AUGUST 19TH. I THINK OUR CITY IS KNOWN, ON THE NORTH COAST, AS BEING VERY THOROUGH AND EXHAUSTIVE, SOME WOULD SAY EXCRUCIATINGLY SO, WITH RESPECT TO THE PERMITS THAT COME BEFORE IT AND THE ENVIRONMENTAL DOCUMENTS THAT COME BEFORE IT.

YOU HAVE HAD OUTLINED IN YOUR REPORTS EARLIER SOME OF THE CHANGES THAT WERE REQUIRED BY OUR CITY COUNCIL IN APPROVING THIS PROJECT. THESE WERE CHANGES NOT TO REDUCE THE LEVEL OF SIGNIFICANCE OF ENVIRONMENTAL EFFECTS, THEY WERE CHANGES TO MAKE THE PROJECT MORE ACCEPTABLE TO RESIDENTS AND BUSINESSES IN THE VICINITY OF THIS PROPOSED SITE.

AMONG THOSE CHANGES WERE TO REQUIRE THAT THE BUILDING BE FULLY ENCLOSED TO REDUCE GENERATION OF ODORS, TO IMPROVE THE ORIENTATION OF THE BUILDING TO WIND, TO ELIMINATE THE PUBLIC SELF-HAUL, TO REDUCE THE OPERATING HOURS, TO IMPROVE THE MONITORING ON THE SITE OF BOTH NOISE AND WATER QUALITY, AND TO INCREASE THE VISUAL SCREENING OF THE SITE FROM A STATE HIGHWAY AND ALSO FROM NEARBY RESIDENTIAL AND BUSINESS AREAS.

SO, OUR CITY TOOK VERY SERIOUSLY ITS RESPONSIBILITIES, BOTH IN TERMS OF THE REGULATORY PERMIT, AND ITS RESPONSIBILITIES UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. THE CITY COUNCIL DID APPROVE A MITIGATED NEGATIVE DECLARATION FOR THE PROJECT. THAT MITIGATED NEGATIVE DECLARATION, WE THINK, IS VERY THOROUGH.

WE AT THE CITY ENCOURAGE THE BOARD TODAY TO APPROVE THIS PROJECT. AND I'M AVAILABLE FOR ANY QUESTIONS THAT YOU MAY HAVE FOR ME LATER.

CHAIRMAN PENNINGTON: ANY QUESTIONS?

*MALE VOICE: NO, MR. CHAIR. I DON'T HAVE -- AND

MAYBE IT'S JUST I MISPLACED IT -- BUT, IS THERE A COPY OF THE MITIGATING NEGATIVE DECLARATION IN THE BOARD MEMBERS' PACKET?

I KNOW IT CAME LATE, BUT I JUST -- I MEAN, IT WOULD HELP US AS WE'RE TALKING TO LOOK WHEN AN INDIVIDUAL SAYS THERE'S SUBSTANTIAL INFORMATION AND ET CETERA -- CAN WE GET A COPY OF THAT? PERHAPS THAT WOULD HELP US IN OUR DISCUSSION.

MS. TURNER: I THINK YOU CAN GET A COPY OF IT. WE DID NOT PUT THOSE IN THE PACKETS, BUT WE CAN GO OUT AND HAVE THOSE DUPLICATED.

DO YOU HAVE THAT RIGHT NOW, GEORGE?

WOULD YOU LIKE A COPY WHILE YOU'RE HERE RIGHT NOW?

*MALE VOICE: PLEASE.

MS. TURNER: OKAY.

MEMBER EATON: AND I JUST HAVE A QUICK QUESTION.

CHAIRMAN PENNINGTON: GO AHEAD, MR. EATON.

MEMBER EATON: YOU GOT THIS YESTERDAY?

MS. TURNER: WE RECEIVED THE MITIGATION MEASURES ON MONDAY MORNING. AND WE HAVE BEEN REVIEWING THIS AND DISCUSSING IT WITH THE PARTIES THAT NEED TO BE INVOLVED IN THAT DISCUSSION.

MR. EATON: OKAY.

MS. TURNER: AND WE JUST GOT THE ADDENDUM YESTERDAY.

MEMBER JONES: CAN I ASK A QUESTION WHILE STAFF --

CHAIRMAN PENNINGTON: CERTAINLY, MR. JONES.

MEMBER JONES: I KNOW THERE'S GOING TO BE AN AWFUL LOT OF TESTIMONY. I JUST *(INDISC/INAUD) KNOW ALL THE PARTIES INVOLVED HERE, PLAYED UP IN THAT PART OF THE COUNTRY, AND DON'T HAVE A PROBLEM WITH ANY OF THEM. BUT, I DO HAVE A PROBLEM WITH THE PROCESS.

AND I'VE SEEN OUR STAFF WRITE A LETTER -- WELL, LET ME GO BACK. I'M LOOKING AT A LETTER FROM HUMBOLDT COUNTY DEPARTMENT OF PUBLIC HEALTH THAT HAS IDENTIFIED THE HUMBOLDT COUNTY WASTE MANAGEMENT AUTHORITY AS THE LEAD AGENCY. THE LEAD AGENCY MEANING THE PROPONENT, OR THE LEAD AGENCY FOR THE PURPOSE OF PREPARATION OF THE EIR AND ALL THOSE THINGS? I'M ASKING THE LEA, I GUESS.

MR. METCALF: *(PRESUMED SPEAKER). I'M NOT SURE WHICH LETTER IT IS YOU HAVE IN YOUR POSSESSION. AND, I'M NOT SURE IF IT'S RELATING TO THE HILLTHICKER SITE, THE PERMANENT SITE, OR THIS SITE HERE.

MEMBER JONES: OKAY. NOW, THAT SCARES ME. IS THERE AN EIR -- IF YOU THINK -- IS IT BECAUSE IT'S A TEMPORARY SITE IT DOESN'T HAVE TO GO THROUGH ENVIRONMENTAL REVIEW? OR, IS THERE DIFFERENT LEVELS OF ENVIRONMENTAL IMPACTS BASED ON HOW LONG YOU'RE GOING TO OPERATE A FACILITY?

MR. METCALF: FOR THE SITE, THE PROJECT THAT WE ARE TALKING ABOUT TODAY, A MITIGATED NEG DEC HAS BEEN PREPARED AND CIRCULATED. AND WE'VE REVIEWED THAT AND DETERMINED THAT'S ADEQUATE FOR OUR APPROVAL OF THE TEMPORARY TRANSFER STATION SITE.

MEMBER JONES: OKAY. BECAUSE IN THE LETTER IT SAYS

IT WAS APPROPRIATE FOR THEM TO DO AN EIR. FROM YOU.

MR. METCALF: I AM NOT SURE WHAT LETTER YOU'RE TALKING TO. COULD I SEE A COPY OF THAT LETTER?

MEMBER JONES: AND WHAT I'M WONDERING IS, UNDER THE ENVIRONMENTAL IMPACT REPORTS -- FIRST OFF, I'M NOT SURE WHERE IN OUR STATUTES WE HAVE A SECTION THAT'S CALLED TEMPORARY TRANSFER STATIONS. NOW, I ASKED THAT QUESTION IN MY BRIEFING. BECAUSE, WHEN WE GIVE OUT A TRANSFER STATION PERMIT IT'S FOREVER, AND IT GETS REVIEWED EVERY FIVE YEARS.

HAS THERE BEEN SOME STATUTE THAT HAS CHANGED THAT I AM NOT AWARE OF?

MS. TURNER: *(PRESUMED). NO, WE DO NOT ISSUE TEMPORARY PERMITS. THAT'S TRUE.

MEMBER JONES: OKAY. IF WE ARE DOING A NEGATIVE DEC, ARE THERE ENVIRONMENTAL CONCERNS TO BE TAKEN INTO ACCOUNT, WHETHER IT IS TEMPORARY OR NOT TEMPORARY?

IS THERE A DIFFERENCE IN THE LEVEL OF ENVIRONMENTAL PROTECTION THAT IS NEEDED?

MS. TURNER: I HAD A BRIEF DISCUSSION WITH THE PREPARER OF THE CEQA DOCUMENT. HE SAID THAT THE CEQA ANALYSIS WAS NOT DONE BASED ON A TWO-YEAR PERIOD. AND MAYBE HE COULD FURTHER ELABORATE ON THAT, IF YOU WOULD LIKE HIM TO.

MEMBER JONES: WHO WAS THE PREPARER OF THE CEQA DOCUMENT?

MS. TURNER: KEN CURTIS, I THINK.

*FEMALE VOICE: NO, BILL GRAHAM, I THINK, FROM ECDC.

CHAIRMAN PENNINGTON: HE'S OUR NEXT WITNESS, IF YOU'D LIKE TO HEAR FROM HIM.

MEMBER JONES: OKAY.

MR. METCALF: WOULD YOU LIKE ME TO RESPOND TO YOUR EARLIER QUESTION?

MEMBER JONES: YEAH.

MR. METCALF: THIS LETTER, WHICH I AM THE PERSON WHO WROTE AND SIGNED IT, IS TO COMMENT ON THE NOTICE OF PREPARATION FOR THE PERMANENT SITE IN EUREKA, AND IS NOT FOR THE SITE THAT WE ARE TALKING ABOUT TODAY.

MEMBER JONES: OKAY. SO A NOTICE OF PREPARATION WAS SENT OUT THAT SAYS THERE WAS GOING TO BE A TRANSFER STATION. AT THE SAME TIME THEY SENT THAT OUT FOR THIS PERMANENT SITE, DID THEY ALSO SEND OUT A NOTICE OF PREPARATION THAT THEY'RE GOING TO DO AN INTERIM SITE?

MR. METCALF: NO. NO, THEY DIDN'T SEND ANYTHING OUT. THIS WAS INDEPENDENT OF THE PROJECT THAT WE ARE DOING NOW.

MEMBER JONES: OKAY. SO, FOR A PERMANENT SITE A FULL EIR WAS NECESSARY. RIGHT?

*FEMALE VOICE: THAT'S CORRECT.

MR. METCALF: IT WAS NECESSARY BASED ON HOW THE LEAD AGENCY CHECKED THE RESPONSES.

MEMBER JONES: OKAY.

MR. METCALF: WE DIDN'T INFORM THEM THAT AN EIR WAS APPROPRIATE FOR THAT.

MEMBER JONES: OUR STAFF DID, THOUGH. I'M SORRY. IF YOU DID -- YOU DON'T THINK AN EIR'S NECESSARY FOR A SOLID WASTE FACILITY PERMIT?

MR. METCALF: ON AN INDIVIDUAL CASE BASIS IT'S DECIDED WHAT THE APPROPRIATE ENVIRONMENTAL DOCUMENT IS. I DON'T THINK IT'S MANDATORY FOR AN EIR TO BE PREPARED FOR EVERY TRANSFER STATION OR SOLID WASTE FACILITY.

MEMBER JONES: YOU'RE PROBABLY RIGHT. BUT, I MEAN, THERE -- AND I GUESS WHAT I DON'T UNDERSTAND IS WHY IT'S PERMANENT -- WHY FOR A PERMANENT FACILITY WE NEED A FULL-BLOWN EIR. OUR STAFF, ALSO ON THE NOTICE OF PREPARATION, SAID IT NEEDED AN EIR.

AND YET WE GET A NEG DEC THAT -- AND I HAVEN'T HAD A CHANCE TO READ IT, BUT I WILL -- BECAUSE I DON'T SEE ANYTHING IN STATUTE THAT ALLOWS US TO ISSUE A TEMPORARY PERMIT. AND THEN WHAT WAS GOING TO BE A FULL EIR IS NOW A NEG DEC.

IT RAISES MY LEVEL OF ATTENTION, BECAUSE WHILE ONE OF OUR WITNESSES SAYS THE JPA WON'T BE HELD HOSTAGE -- I DON'T HAVE ANY PROBLEM WITH THAT. I DON'T THINK THE JPA SHOULD BE HELD HOSTAGE. I PERSONALLY DON'T CARE WHO GETS A CONTRACT IN HUMBOLDT COUNTY.

BUT, I DO HAVE A PROBLEM WITH THE PROCESS WHEN ONE LEVEL OF ENVIRONMENTAL PROTECTION IS DIRECTED TO A CERTAIN TYPE OF OPERATOR, AND ANOTHER ONE ISN'T. THAT IS NOT THE WAY THAT THIS SYSTEM SHOULD WORK. WE SHOULD HAVE A LEVEL PLAYING FIELD, WHETHER YOU ARE PUBLIC, PRIVATE, OR WHATEVER.

AND THAT'S WHERE I AM HAVING A HUGE PROBLEM, AS TO SLAPPING OUT SOMETHING THAT SAYS EVERYTHING IS OKAY, AN WHEN YOU LOOK AT THE TRANSPORTATION THAT'S GOING TO BE INVOLVED TO GET THAT MATERIAL THERE, IT WOULD SEEM TO ME THAT IN AN AREA WHERE THE PM-10* IS ALREADY EXCEEDING THE STATE LEVEL IT WOULD REQUIRE A LITTLE BIT MORE DISCUSSION. BUT, THAT'S....

*FEMALE VOICE: I JUST WANTED TO RESPOND THAT THAT DID CONCERN US, TOO. AND THERE WERE SOME RESPONSES FROM THE APPLICANT, AND MAYBE AT THIS TIME THEY WOULD LIKE TO TRY AND EXPLAIN THEIR POSITION ON THAT.

*MALE VOICE: I WOULD LIKE TO FURTHER CLARIFY THAT THE DIFFERENCES, THE WAY THAT THE ENVIRONMENTAL CHECKLIST WAS CHECKED FOR THE SITE THAT AN EIR AND A NOTICE OF PREPARATION WAS PREPARED IS BECAUSE OF THE NEED TO CHANGE THE ZONING FROM COASTAL DEPENDENT TO HEAVY INDUSTRIAL. THEY IDENTIFIED THAT AS A SIGNIFICANT IMPACT, SO THEY HAVE TO DO AN EIR FOR THAT.

AND, ALSO, BECAUSE OF THE SITE CHARACTERISTICS, WITH THE POSSIBILITY OF WETLANDS, THE IMPROVEMENTS THAT MR. KINDSFATHER POINTED OUT, DO REQUIRE -- OR, ARE THE BASIS FOR THEIR REASON TO DO AN EIR. THOSE TYPES OF CHECKS, THOSE TYPES OF RESPONSES WERE NOT MADE ON THE INITIAL STUDY FOR THE MITIGATED NEG DEC, AND THAT'S WHY THEY'RE DOING THE MITIGATED NEG DEC FOR THIS PROJECT.

MEMBER JONES: I DON'T HAVE A COPY OF WHAT YOU'RE

RESPONSE WAS TO THE NEGATIVE -- TO THE MITIGATED NEG DEC. WHAT BOXES WERE CHECKED IN THAT ONE, IN THAT APPLICATION?

*MALE VOICE: *(INDISC/INAUD) RESPONSES ON THE MITIGATED NEG DEC, NONE OF THE RESPONSES WERE THAT THERE WILL BE A SIGNIFICANT IMPACT. AT MOST IT WERE THAT THERE MAY BE A POTENTIAL SIGNIFICANT IMPACT UNLESS MITIGATED.

*FEMALE VOICE: IF YOU WOULD LIKE TO REFER TO THE INITIAL STUDY, IT IS IN YOUR PACKAGE FOR THE MITIGATED NEG DEC. HOWEVER, THE EIR ONE IS NOT IN THERE. IT'S ON PAGE FOUR, AND IT LOOKS LIKE THIS.

MEMBER JONES: OH, IN THIS ONE?

*FEMALE VOICE: YEAH. IT'S TOWARDS THE BACK.

*[END T-1, SIDE A; SOME TEXT MAY BE LOST]

MEMBER JONES: *(INDISC/INAUD)?

*FEMALE VOICE: NO, IT WAS NOT. ACCORDING TO 50,001(B) *(THEY SAY 50 THOUSAND ONE B, BUT DON'T KNOW IF NEEDS A COMMA OR NOT; SEE ALSO 40192 FURTHER ON, HE SAID FOUR OH ONE ETC. -- ???) IT WAS OUR UNDERSTANDING THAT THAT WAS NOT A REQUIREMENT. AND I HAVE CONSULTED WITH OUR LEGAL STAFF ON THIS, AND HE IS MUCH MORE ELOQUENT IN TRYING TO EXPLAIN THIS THAN I AM.

FEMALE VOICE: WOULD YOU LIKE TO HAVE MR. BLOCK ADDRESS THIS? HE IS PREPARED TO BASICALLY WALK YOU THROUGH THAT, IF YOU'D LIKE TO HAVE THAT DONE.

MEMBER JONES: SURE.

FEMALE VOICE: OKAY. ELIOT?

MR. BLOCK: ELIOT BLOCK FROM THE LEGAL OFFICE.

OKAY. VERY BRIEFLY, HUMBOLDT COUNTY IS POST-GAP*, WHICH MEANS PRC SECTION 50,001* APPLIES FOR CONFORMANCE FINDINGS. THIS IS THE FIRST PORTION OF SECTION 50,001, WHICH PROVIDES THAT NO SOLID WASTE FACILITY SHALL RECEIVE -- SHALL BE ESTABLISHED OR EXPANDED UNLESS IT MEETS THE FOLLOWING CRITERIA.

IN THE CASE OF A DISPOSAL FACILITY OR A TRANSFORMATION FACILITY, IT HAS TO BE IDENTIFIED IN THE COUNTYWIDE SITING* ELEMENT.

AND IN THE CASE OF A -- OTHER FACILITIES, IN THIS CASE IT WOULD INCLUDE TRANSFER FACILITY, TRANSFER STATION, WHICH WILL RECOVER AT LEAST FIVE PERCENT OF THE TOTAL VOLUME OF MATERIAL RECEIVED. IT HAS TO BE IDENTIFIED IN THE NON-DISPOSAL FACILITY ELEMENT.

AND THEN SPECIFICALLY SUBSECTION "B"* OF 50,001 PROVIDES THAT SOLID WASTE FACILITIES OTHER THAN THOSE SPECIFIED IN THE TWO PARAGRAPHS ABOVE SHALL NOT BE REQUIRED TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION. AND SUBSECTION "B" -- I WENT THROUGH THAT A LITTLE QUICKLY -- IS ALSO, OF COURSE, REFERENCED RIGHT IN THE BEGINNING OF "A,"* AS AN EXCEPTION TO THE REQUIREMENT TO MEET SECTION 50,001.

THERE'S A STRANGE LITTLE ANOMALY IN THE STATUTE. THESE TYPES OF FACILITIES ARE REQUIRED -- LET'S SEE IF I CAN GET THAT A LITTLE CLOSER -- TO BE IN THE NDFE* EVEN IF THEY ARE REQUIRING LESS THAN FIVE PERCENT. HOWEVER, THIS STATUTE

SPECIFICALLY PROVIDES THAT THAT'S NOT A BASIS FOR DISAPPROVING THE DOCUMENT.

SO, TYPICALLY WHAT WE'VE DONE IN THESE SITUATIONS -- AND WE'VE HAD ONE OR TWO THAT HAVE COME THROUGH THE BOARD IN THE PAST -- AGAIN, THESE -- BECAUSE OF THE WORDING OF SECTION 50,001, A FAILURE FOR A TRANSFER STATION RECOVERING LESS THAN FIVE PERCENT TO BE IN THE NON-DISPOSAL FACILITY ELEMENT IS NOT A BASIS FOR OBJECTING FOR THE PERMIT.

HOWEVER, WE DO THEN SPECIFICALLY INFORM THE JURISDICTION THAT THEY ARE REQUIRED TO PUT THIS FACILITY IN THE NDFE AT A FUTURE DATE. AND THAT'S, IN FACT, THE WAY THAT HAS PLAYED OUT WITH US.

SO, IN THIS PARTICULAR CASE WE'VE GOT A TRANSFER FACILITY THAT'S RECOVERING LESS THAN FIVE PERCENT, AND SO IS EXEMPT FROM THE REQUIREMENTS OF SECTION 50,001.

DID YOU HAVE ANY QUESTIONS ABOUT THAT?

MEMBER JONES: NO, THAT WAS MY QUESTION. I WANTED TO KNOW ON THE NDFE, BECAUSE I THINK WHEN YOU LOOK AT THE NEGATIVE DEC THERE IS -- YOU KNOW, WHAT THOUGHT HAS BEEN GIVEN TO THAT 20 PERCENT OF THE WASTE STREAM* THAT NOW YOU WON'T ACCEPT.

YOU HAVE A SELF-HAULER WASTE STREAM THAT, BECAUSE OF YOUR ACTION IN -- TWO DAYS AGO, NOW HASN'T BEEN TAKEN CARE OF IN THE NEGATIVE DEC. BECAUSE NOW THAT MATERIAL'S NOT GOING TO -- HAS NOWHERE TO GO.

AND I THINK THE REASON I -- JUST SO YOU KNOW THE REASON WHY I'M BRINGING THESE THINGS UP IS BECAUSE THIS LOOKS LIKE A PIECEMEAL PROJECT THAT WE NEED TO REACT TO, WHERE WE DON'T HAVE STATUTORY AUTHORITY TO GIVE A TEMPORARY PERMIT. AND THEN ALL THE PIECES, TO ME, FEEL LIKE HERE'S A QUESTION, LET'S DRAW UP A RESPONSE. HERE'S A QUESTION, LET'S DRAW UP A RESPONSE. AND THAT'S WHERE I'M COMING FROM, BECAUSE THAT IS NOT THE WAY IT IS PLAYED NORMALLY.

SO, IT WAS IMPORTANT THAT I KNEW ABOUT THE NDFE, BECAUSE IF IT WASN'T EVEN THOUGHT OF WHEN THEY DID THEIR NON-DISPOSAL FACILITY ELEMENTS, THEN HOW DO YOU TAKE CARE OF IT IN THE MITIGATED NEGATIVE DEC, WHEN YOU'RE TALKING ABOUT SELF-HAULERS THAT ARE GOING TO BE EXCLUDED FROM THAT FACILITY.

CHAIRMAN PENNINGTON: OKAY?

MEMBER JONES: THAT'S IT FROM ME.

CHAIRMAN PENNINGTON: OKAY. NEXT WE'LL HEAR FROM MR. BILL GRAHAM.

MR. GRAHAM: THANK YOU, CHAIRMAN, MEMBERS OF THE BOARD, AND PEOPLE IN THE AUDIENCE. MY NAME IS BILL GRAHAM, I'M WITH ECDC ENVIRONMENTAL, I'M THE PROJECT MANAGER FOR THIS PROJECT. I'VE BEEN WORKING UP IN HUMBOLDT COUNTY ON WASTE-RELATED ISSUES, WASTE AND RECYCLING ISSUES FOR THE PAST SEVEN YEARS. IN FACT, I WROTE THE CITY OF EUREKA'S AB-939 PLAN, WHICH THE CITY OF EUREKA RECEIVED AN AWARD TODAY, AS YOU ALL KNOW.

I'VE BEEN WITH ECDC SINCE THE COMPANY STARTED OVER SIX YEARS AGO. ECDC OPERATES *(INDISC/INAUD) TRANSFER

STATIONS THROUGHOUT THE WEST. IN FACT, OUR OFFICE OPERATES THE RAIL YARD AT PIER 96 IN SAN FRANCISCO. AND THROUGH THAT, OVER THE LAST SIX YEARS, WE'VE HAD, I LIKE TO THINK, MORE WASTE-BY-RAIL EXPERIENCE THAN ANY OTHER BUSINESS IN THE STATE.

WE'VE WORKED WITH THE HUMBOLDT COUNTY WASTE MANAGEMENT AUTHORITY SINCE ITS INCEPTION. WE BELIEVE THAT THE SYSTEM THAT WE'RE OFFERING OFFERS THE MOST FLEXIBLE, ENVIRONMENTALLY SOUND, AND COST EFFECTIVE PROGRAM AVAILABLE.

IT'S GOING TO USE ENVIRONMENTALLY SOUND SUBTITLE D-COMPLIANT* LANDFILLS. AND ALSO IT HAS THE ADDED BENEFIT OF BENEFITTING THE AREA ECONOMICALLY, THROUGH INCREASED USE OF THE RAILROAD AND THE PORT.

AND I'VE BEEN INVOLVED, AS I SAID, WITH THE PROJECT. I PUT TOGETHER THE NEG DEC AND A LOT OF THE DOCUMENTS RELATING TO THE PERMIT APPLICATION. WE PLAN ON BEING OPERATORS OF THE FACILITY, AS WELL.

AND, I'D LIKE TO ANSWER ANY QUESTIONS THAT YOU HAVE.

CHAIRMAN PENNINGTON: QUESTIONS OF MR. GRAHAM?

MEMBER JONES: *(PRESUMED). NO. JUST A COMMENT. I KNOW BILL, AND BILL'S A GOOD OPERATOR. BILL'S COMPANY IS A GOOD OPERATOR.

I DON'T HAVE A PROBLEM WITH YOU GUYS -- YOU KNOW, WITH THAT. MY PROBLEMS STEM FROM (1)* A TEMPORARY FACILITY, (2) NOT THE PROPER ENVIRONMENTAL REPORTING.

AND I JUST GOT THIS TO READ. BUT, YOU KNOW, WHEN YOU EXCLUDE A PART OF THE WASTE STREAM, AND THE ANSWER IS, WELL, THEY CAN GET GARBAGE SERVICE, YOU AND I BOTH KNOW THAT --

MR. GRAHAM: YEAH.

MEMBER JONES: -- AIN'T THE RIGHT ANSWER.

MR. GRAHAM: I'D LIKE TO ELABORATE A LITTLE BIT FURTHER ON THAT RESPONSE, IF I COULD?

CERTAINLY, SUBSCRIPTION GARBAGE SERVICE IS AN ALTERNATIVE FOR THE PUBLIC SELF-HAULERS. HOWEVER, AS GERALD MENTIONED, THERE ARE OTHER TRANSFER STATIONS, PERMANENT TRANSFER STATIONS IN THE COUNTY, INCLUDING -- CITY GARBAGE HAS A TRANSFER STATION IN EUREKA THAT THE SELF-HAULERS CAN CONTINUE GOING TO. SO, WE'RE NOT EXCLUDING ALL SELF-HAULERS.

THIS HAS BASICALLY BECOME A COMMERCIAL FRANCHISE-ONLY FACILITY. SO, I DON'T WANT TO GIVE THE IMPRESSION THAT WE'RE LEAVING THE SELF-HAULERS HIGH AND DRY. THEY DO HAVE OTHER OPTIONS, AND EXISTING OPTIONS. SO I'D LIKE TO MAKE THAT CLEAR.

MEMBER JONES: BUT WHEN YOU DID THE NEG DEC, DID YOU ACCOUNT FOR THAT?

MR. GRAHAM: THAT THERE WERE OTHER OPTIONS FOR SELF-HAULERS? WELL, WE INCLUDED THE SELF-HAULERS IN THE INITIAL NEG DEC. AND THROUGH ACTION OF THE CITY COUNCIL, AS LEAD AGENCY, THEY WANTED TO TAKE THE PUBLIC SELF-HAULERS OUT. SO, WE VIEW THAT AS ACTUALLY ENHANCING THE PROJECT BECAUSE IT'S GOING TO MINIMIZE TRAFFIC IMPACTS AND THE LIKE.

AND, AS I MENTIONED EARLIER, THERE ARE EXISTING ALTERNATIVES FOR THE SELF-HAULERS TO GO TO.

MEMBER JONES: AND I AGREE WITH THAT IN PRINCIPLE. BUT, AS PART OF THE NEG DEC, YOU IDENTIFIED -- I MEAN, AS PART OF THE TRAFFIC GENERATION AND THE GENERATION OF WASTE, AND HOW IT'S GOING TO BE DELIVERED TO DIFFERENT FACILITIES, THAT'S PART OF THE -- OF A NEG DEC. YOU KNOW, THESE MANY TRUCKS ARE COMING IN, THESE MANY ARE LEAVING, THIS IS HAPPENING, THAT'S HAPPENING. AND WHEN YOU TAKE 20 PERCENT OF THAT WASTE STREAM AWAY IT HAS AN IMPACT ON THE FACILITY. MAYBE IT'S POSITIVE, MAYBE IT'S NEGATIVE. I DON'T KNOW.

DO YOU KNOW WHAT I'M SAYING?

MR. GRAHAM: SORT OF.

MEMBER JONES: IT WASN'T ACCOUNTED FOR. IT'S NOT ACCOUNTED FOR. AND IT'S JUST ANOTHER PATCH JOB. YOU KNOW? AND THAT AND THE FACT THAT IT'S A TEMPORARY TRANSFER STATION....

MR. GRAHAM: THE TEMPORARY NATURE, I'D LIKE TO ADDRESS THAT FOR A MINUTE. IT'S -- YOU KNOW, I DO UNDERSTAND THE WASTE BOARD GRANTS PERMITS FOR FIVE-YEAR PERIODS FOR FACILITIES.

HOWEVER, IN THE USE PERMIT FROM THE LEAD AGENCY IT SPECIFIES THAT THIS IS GOING TO BE A TWO-YEAR FACILITY. AND AT THE END OF THAT TWO YEARS THAT PERMIT EXPIRES, SO THERE'S GOING TO BE NO ADDITIONAL TRANSFER OPERATIONS GOING ON AT THAT FACILITY.

IN FACT, THE BUILDING'S GOING TO BE DECOMMISSIONED. WE ARE PLANNING ON ACTUALLY TAKING DOWN THE BUILDING FROM THE TEMPORARY SITE AND ACTUALLY REUSING IT AT THE PERMANENT STATION. THE PERMANENT STATION WILL HAVE TWO STRUCTURES, ONE WILL BE A LARGE COMMERCIAL FRANCHISE STRUCTURE, THEN THERE'S A SELF-HAUL RECYCLING STRUCTURE.

WELL, IT JUST SO HAPPENS THAT THIS BUILDING THAT WE'RE UTILIZING AT THE TEMPORARY STATION IS THE SAME CONFIGURATION, EXACTLY, AS WHAT WE'RE GOING TO BE USING FOR THE PUBLIC SELF-HAUL RECYCLING AREA AT THE PERMANENT STATION.

SO, LITERALLY -- AND I DON'T KNOW IF YOU'VE EVER HAD THIS BEFORE, BUT WE'RE GOING TO BE RECYCLING A TRANSFER STATION AND REUSING IT.

MEMBER JONES: IF YOU DON'T GET THE FIRST ONE DONE IN -- OR, THE SECOND ONE DONE IN TWO YEARS, BILL, THEN WHAT HAPPENS? IF THE PERMIT IS ONLY GOOD FOR TWO YEARS AND YOU DON'T GET IT DONE, THEN WHAT HAPPENS TO ALL THE WASTE IN HUMBOLDT COUNTY?

MR. GRAHAM: WE WILL GET IT DONE.

MEMBER JONES: WELL, I HEARD ABOUT HOOPS THROUGH THE COASTAL COMMISSION. IS THAT STILL TRUE? I MEAN, YOU'VE GOT SOME THINGS TO GO THROUGH WITH THE COASTAL COMMISSION? OR, THE OPERATOR DOES?

MR. GRAHAM: YES, THEY DO. THEY HAVE TO -- THEY HAVE THE OPTION ALSO TO EXTEND IT, BY GOING BACK TO THE CITY PLANNING COMMISSION TO EXTEND IT FOR ANOTHER YEAR. SO, THEY

HAVE THREE YEARS SHOULD SOMETHING COME UP IN THE PERMITTING PROCESS AT THE PERMANENT SITE.

MEMBER JONES: SO THIS COULD BE A THREE-YEAR TRANSFER STATION, AS OPPOSED TO A TWO-YEAR TRANSFER STATION.

MR. GRAHAM: CORRECT. I'D ALSO LIKE TO POINT OUT THAT WE KEEP PUTTING IN THIS TEMPORARY HERE, THAT WE'RE NOT MITIGATING, HOLDING BACK OR VIOLATING ANY STATEMENT *(INDISC/INAUD) STANDARD. THIS PROJECT IS MEETING ALL THE STATEMENT *(INDISC/INAUD) STANDARDS APPLICABLE TO A TRANSFER STATION.

MEMBER JONES: IT'S NOT THE STANDARDS OF HOW YOU OPERATE THE STATION, IT'S WHAT ARE THE ENVIRONMENTAL IMPACTS ON THE SURROUNDING NEIGHBORHOODS. THAT IF THEY'RE NOT -- IF YOU'RE FOCUSED ON A PERMANENT ONE THAT'S FIVE MILES AWAY -- AND I DON'T KNOW HOW FAR AWAY IT IS, OKAY? -- MAYBE IT'S FIVE, MAYBE IT'S 10, MAYBE IT'S TWO BLOCKS, I DON'T KNOW -- AND YOU'RE FOCUSED ON THAT BUT YOU'RE NOT FOCUSED ON WHAT'S GOING TO BE OPERATING FOR THE NEXT THREE YEARS. THERE ARE STILL ENVIRONMENTAL IMPACTS THERE.

AND ALL I'M TRYING TO GET ACROSS IS THAT YOU CAN'T DO IT WITH A WINK AND A NOD, IT DON'T HAPPEN THAT WAY. OR IT'S NOT SUPPOSED TO HAPPEN THAT WAY.

MR. GRAHAM: THAT HAS NEVER BEEN THE INTENT --

*[THE PARTIES SIMULTANEOUSLY SPEAK.]

MR. GRAHAM: -- SAYING IT'S NEVER BEEN THE INTENT --

MEMBER JONES: AND THAT'S FINE --

*[THE PARTIES SIMULTANEOUSLY SPEAK.]

MEMBER JONES: -- BUT WHEN I SEE ALL THESE THINGS PIECED THEN I HAVE TO ASK THE QUESTION, IF IT'S A TEMPORARY FACILITY -- OKAY? -- THAT'S FINE. HAVE WE TAKEN INTO ACCOUNT THE ENVIRONMENTAL IMPACTS OF OPERATING THAT TEMPORARY FACILITY.

MR. GRAHAM: WE BELIEVE WE HAVE, AND THE LEAD AGENCY CONCURS.

MEMBER JONES: BUT THE LEAD AGENCY IS CITY OF ARCATA OR THE JPA?

MR. GRAHAM: THE CITY OF ARCATA.

MEMBER JONES: OKAY. NOT THE JPA.

MR. GRAHAM: NO. THE JPA'S THE APPLICANT.

CHAIRMAN PENNINGTON: OKAY. WE'LL NOW MOVE TO DAVID TICESON.

MR. TICESON: THANK YOU BOARD AND STAFF. THEY DRAGGED ME ALONG BECAUSE I'M USUALLY THE EMOTIONAL ONE AND I GET CAUGHT UP IN THESE THINGS. I'VE BEEN DEALING WITH IT FROM A POLITICAL AND A STAFF POSITION FOR A NUMBER OF YEARS.

I'M HERE TO ANSWER QUESTIONS AS FAR AS THE CITY OF EUREKA'S CONCERNED. OUR CITY COUNCIL AND THE CITY COUNCILS AND BOARD OF SUPERVISORS IN HUMBOLDT COUNTY, I THINK, HAVE MADE AN UNPRECEDENTED VOTE ON THIS ISSUE, THIRTY TO ZERO, THAT THEY WANT THE TRASH TO BE HAULED OUT OF HUMBOLDT COUNTY.

CHANGE IS VERY HARD, AS YOU KNOW, WITH AB-939, AND DEALING WITH THOSE ISSUES. WELL, WE'RE TRYING TO MAKE A

POSITIVE CHANGE IN HUMBOLDT COUNTY, AND APPARENTLY IT'S VERY HARD FOR SOME TO ACCEPT.

YOU'RE GOING TO HEAR FROM A NUMBER OF HIRED INDIVIDUALS WHO WILL COME AND TRY TO POKE HOLES INTO OUR ENVIRONMENTAL DOCUMENTS, OUR PROCESS. IF THERE ARE PROBLEMS WITH OUR DOCUMENTS PLEASE SPEAK TO US, WE WILL ANSWER THOSE QUESTIONS. BUT PLEASE REALIZE ALSO THAT THOSE INDIVIDUALS STAND TO GAIN FINANCIALLY GREATLY FROM THIS CONTRACT IN HUMBOLDT COUNTY.

WE ARE INTERESTED, THE JPA IS INTERESTED, THE SIX MEMBERS OF THIS JPA, THE 30 INDIVIDUALS THAT VOTED FOR THIS, THE 116 CONSTITUENTS IN HUMBOLDT COUNTY WANT THIS ISSUE TO GO THROUGH. WE NEED THE TEMPORARY TRANSFER STATION SO THAT WE'RE NOT HELD HOSTAGE BY OUR CURRENT PROVIDER.

AS GERALD HAS STATED, WE WENT THROUGH A BID PROCESS. OUR CURRENT PROVIDER WAS INVITED MORE THAN ONCE TO BID ON THIS. THEY CHOSE NOT TO BID BECAUSE, AS THEY STATED, IT WAS NOT TO THEIR COMPETITIVE ADVANTAGE TO BID ON THIS CONTRACT. THEY ALSO HAVE STATED PUBLICLY THAT THEY THOUGHT THE JPA WOULD FAIL IN ITS PROCESSING. WELL, SURPRISE, WE HAVEN'T YET.

WE WOULD LIKE TO CONTINUE WITH THE PROCESS, WE WOULD LIKE TO BE RELEASED FROM THE SHACKLES THAT THE COMMUNITY HAS BEEN HELD UNDER FOR A NUMBER OF YEARS, AND WE'D LIKE TO MOVE FORWARD. AS YOU ARE TRYING TO MOVE FORWARD WITH YOUR 21ST CENTURY PLANNING, SO ARE WE. AND WE WANT TO GET AWAY FROM THE WAY THINGS HAVE BEEN DONE IN HUMBOLDT COUNTY FOR 30 YEARS, AND WE'D LIKE TO MOVE FORWARD WITH A PROGRESSIVE TYPE OF WASTE SOLUTION. SOMETHING THAT WOULD LOWER OUR CONSTITUENTS' COSTS AND BE MORE ENVIRONMENTALLY SOUND.

WITH THAT, I'D BE HAPPY TO ANSWER ANY QUESTIONS OR TO COME BACK LATER ON. THANK YOU.

CHAIRMAN PENNINGTON: QUESTIONS? THANK YOU.

NOW WE'LL HEAR FROM LIZ CITRINO.

MS. CITRINO: GOOD MORNING ONCE AGAIN. I GUESS I GET TO WEAR A LITTLE BIT OF A DIFFERENT HAT THIS TIME.

I HAVE BEEN INVOLVED WITH THE AUTHORITY SINCE ITS BEGINNING. I AUTHORED THE COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLAN WHICH INCLUDES WITHIN IT THE STRUCTURE THAT WE CURRENTLY ARE WORKING UNDER. IT INCLUDES A COMMITMENT, A PROPOSED COMMITMENT ON THE PART OF ALL JURISDICTIONS TO WORK TOGETHER FOR SOLUTIONS WHICH BEST SERVE THE COMMUNITY OF WHICH THIS IS A PART.

WHAT I'D LIKE TO DO IS I WOULD LIKE TO DISTRIBUTE TO EACH OF YOU TWO DOCUMENTS. THE FIRST IS A ONE-PAGE, DOUBLE-SIDED EXCERPT FROM THE COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLAN WHICH MAKES IT CLEAR THAT THE AUTHORITY HAS BEEN PART OF OUR PLANNING PROCESS SINCE THE VERY BEGINNING OF AB-939, AND WHICH SPECIFICALLY LISTS COOPERATING AND WORKING TOGETHER AND CONSOLIDATING, IN TERMS OF DISPOSAL CAPACITY, OF ONE OF THE COMMITMENTS THAT ALL THE JURISDICTIONS MADE THAT WAS INCLUDED IN THE COUNTYWIDE WASTE MANAGEMENT

PLAN, WHICH WAS APPROVED BY ALL THE JURISDICTIONS, WHICH WENT THROUGH THAT CEQA PROCESS AND WAS APPROVED BY THIS BOARD. SO THAT'S THE FIRST OF WHAT I HAVE TO DISTRIBUTE FOR YOU HERE.

THE SECOND DOCUMENT THAT I BROUGHT WITH YOU (SIC) IS TO MAKE IT CLEAR THAT WE RECOGNIZE THAT THIS IS A FLUID PROCESS, AND THAT AS YOU IMPLEMENT PROGRAMS YOUR CIRCUMSTANCES CHANGE. AND THAT WE BELIEVE THAT THE BOARD HAS DONE A VERY EFFECTIVE JOB OF UNDERSTANDING THAT IN THE WAY IT'S STRUCTURED ITS PROCESS.

FOR EXAMPLE, WHEN I FILED THE ANNUAL REPORT FOR HUMBOLDT COUNTY FOR THIS YEAR IT WAS STRUCTURED IN SUCH A WAY AS TO ALLOW US TO UPDATE THE INFORMATION IN OUR PREVIOUS SITING ELEMENT.

AND ONCE AGAIN, I WOULD POINT OUT THAT THE SITING ELEMENT THAT WAS APPROVED FOR HUMBOLDT COUNTY INCLUDED AS PART OF THE PROCESS HAVING THIS JPA WITH THE TIME LINE THAT WE'RE NOW WORKING ON.

OUR FIRST STRATEGY WAS TO ATTEMPT TO NEGOTIATE A SHORT-TERM EXTENSION OF OUR CURRENT AGREEMENT TO GIVE US A BETTER WINDOW OF TIME TO PUT EVERYTHING IN PLACE SO WE WEREN'T IN A POSITION OF HAVING TO STAND BEFORE YOU AND SAY, OKAY, WE'RE DOING OUR BEST TO MEET EVERYBODY'S REQUIREMENTS INCLUDING OUR CITIZENS', INCLUDING THE BOARD'S, INCLUDING THE LAW. HERE IS WHAT WE'RE UP AGAINST AND HERE IS WHAT WE'RE DOING TO TRY TO MAKE SURE THAT OUR SOLUTION IS THE APPROPRIATE SOLUTION. SO THAT WAS PART OF THE SITING ELEMENT.

THE SECOND STRATEGY IN THE SITING ELEMENT WAS AT THE END OF THAT SHORT-TERM EXTENSION TO OUR EXISTING CONTRACT IT WAS OUR INTENTION TO EXPLORE A WIDE VARIETY OF OPTIONS. AT THAT POINT THAT INCLUDED POTENTIALLY AN IN-COUNTY LANDFILL. IT INCLUDED, AS WELL, LOOKING TOWARDS FORMING A RELATIONSHIP WITH OTHER JURISDICTIONS, WHICH IS WHERE WE NOW ARE, BASED ON THE PROCESS THAT WE'VE BEEN THROUGH. AND SO THIS WAS ALL ANTICIPATED, THIS IS ALL DOCUMENTED, AND THIS IS ALL PART OF THE RECORD.

AND I'D LIKE TO PASS OUT A SECTION OF THIS YEAR'S ANNUAL REPORT, WHICH MAKES IT CLEAR THAT THAT'S THE PROCESS THAT WE'VE UNDERTAKEN.

AND I'D LIKE TO CORRECT JUST ONE OR TWO THINGS THAT MAY BE A SLIGHT MISUNDERSTANDING. IT'S MY UNDERSTANDING THAT THE PORTION OF SELF-HAUL WHICH HAS BEEN PRECLUDED FROM THE ARCATA FACILITY IS NOT THE ENTIRE SELF-HAUL WASTE STREAM, BUT THE GENERAL PUBLIC SELF-HAUL WASTE STREAM. IN OTHER WORDS, THE RESIDENTIAL PORTION OF THE WASTE STREAM. AND THAT'S MORE LIKE 10 PERCENT OF THE TOTAL AND NOT 20 PERCENT OF THE TOTAL.

THAT THE INTENTION IS THAT THE FACILITY WOULD STILL HANDLE WHAT IS CALLED COMMERCIAL AND ROUTE-COLLECTED WASTE SO THAT THE DEMOLITION CONTRACTORS AND THE LARGER GENERATORS WOULD STILL BE INCLUDED UNDER WHAT'S ADDRESSED BY THAT FACILITY.

SO, IN ESSENCE WHAT THAT MEANS IS THAT A LOT OF

THE RESIDENTS WHO CURRENTLY DRIVE FROM OTHER AREAS OF THE COUNTY TO THE CITY OF EUREKA TO USE THAT TRANSFER STATION AS SELF-HAULERS MAY OR MAY NOT STILL HAVE THAT OPPORTUNITY, BUT THAT'S NOT THE RESPONSIBILITY OF THE AUTHORITY, THAT WILL BE BASED ON A DECISION BY CITY GARBAGE COMPANY WHETHER OR NOT TO CONTINUE TO OPERATE THEIR TRANSFER STATION IN EUREKA.

IN THE EVENT THAT THEY SHOULD DECIDE TO CLOSE THAT FACILITY THEN THERE WILL BE SELF-HAULERS LOOKING FOR AN ALTERNATIVE. THOSE SELF-HAULERS CURRENTLY HAVE OPPORTUNITIES IN FORTUNA, IN REDWAY*, AND IN MCKINLEYVILLE, AS YOU'VE PREVIOUSLY HEARD, FOR MANAGING THEIR WASTE.

SO I DON'T THINK THERE'S AN EXPECTATION THAT WE WOULD SEE MANDATORY COLLECTION OR EVEN PUSHING PEOPLE TOWARDS COLLECTION AS AN OPTION.

MY PERSONAL FEELING HAS ALWAYS BEEN THAT THE REASON MANY PEOPLE SELF-HAUL IS BECAUSE THEY ALREADY GENERATE SIGNIFICANTLY LESS WASTE ON A PER CAPITA BASIS THAN IS THE CASE FOR MOST PEOPLE WHO HAVE FRANCHISED COLLECTION SERVICE. IN OUR EXPERIENCE, IT'S PROBABLY ABOUT A THIRD OF A TON PER CAPITA FOR THE AVERAGE SELF-HAULER COMPARED TO IN THE NEIGHBORHOOD OF THREE-QUARTERS OF A TON PER AVERAGE ROUTE COLLECTION CUSTOMER IN OUR AREA.

AND SO I HAVE ALWAYS BEEN RELUCTANT TO PUSH PEOPLE TOWARD FRANCHISED COLLECTION SERVICE SIMPLY BECAUSE IF YOU CHARGE PEOPLE FOR A SERVICE WHICH IS MORE THAN THEY NEED THEY WILL DO THEIR BEST TO MAKE SURE THAT THEY GET THEIR MONEY'S WORTH, AND THAT'S A LITTLE COUNTERPRODUCTIVE IN TERMS OF WASTE REDUCTION.

SO, WE CERTAINLY HAVE A COMMITMENT. I FOUGHT LONG AND HARD TO MAKE SURE THAT WE HAD A COMMITMENT TO ADDRESSING SELF-HAUL AT OUR PERMANENT FACILITY. AND WE WILL MAKE SURE THAT THOSE PEOPLE ARE DEALT WITH.

BUT I THINK MY UNDERSTANDING OF HOW YOU MAKE A DETERMINATION ON THE ENVIRONMENTAL DOCUMENT GOES TO THE QUESTION OF IS THERE AN IMPACT HERE THAT CAN'T BE ADDRESSED AND RESOLVED, AND REDUCED, THROUGH MITIGATION. AND THAT REALLY IS THE DETERMINING CRITERIA WHEN YOU LOOK AT WHAT LEVEL OF ENVIRONMENTAL REPORT IS REQUIRED.

SO, TO ME, IF YOU SAY, WELL, OKAY, WE'VE MADE CHANGES TO THE PROJECT DESCRIPTION, WE'VE MADE CHANGES TO WHAT WE'RE PROPOSING, I THINK THAT I HAVE A CONCERN THAT THAT IN ESSENCE SAYS THAT YOU HAVE TO GO BACK TO SQUARE ONE AND START OVER.

BECAUSE REALLY WHAT THAT DOES IS SAY WE UNDERSTAND THAT THERE ARE CONCERNS, WE UNDERSTAND THAT THERE ARE ISSUES, WE'RE COMMITTED TO ADDRESSING THEM AND RESOLVING THEM, AND THESE ADDITIONAL CHANGES, THESE ADDITIONAL MITIGATIONS WE BELIEVE DO THE BEST JOB POSSIBLE OF ADDRESSING THOSE CONCERNS AND THOSE POTENTIAL IMPACTS.

A POTENTIAL IMPACT IS NOT THE SAME AS A SIGNIFICANT IMPACT, AND I THINK THAT'S HOW YOU MAKE A DETERMINATION ON WHAT LEVEL OF ENVIRONMENTAL REPORTING

DOCUMENTATION IS REQUIRED.

SO, I THINK THAT ABOUT COVERS WHAT I HAVE TO SAY.

CHAIRMAN PENNINGTON: OKAY. THANK YOU.

QUESTIONS OF LIZ? THANK YOU.

NEXT WE'LL HEAR FROM LARRY SWEETZER*.

MR. SWEETZER: GOOD MORNING CHAIRMAN PENNINGTON, BOARD MEMBERS. MY NAME IS LARRY SWEETZER, I'M DIRECTOR OF REGULATORY AFFAIRS FOR NORCAL WASTE SYSTEMS.

WE'RE HERE TODAY IN FRONT OF YOU IN AN UNUSUAL POSITION FOR US AT NORCAL. WE STAND BEFORE YOU IN OPPOSITION OF SOMEONE ELSE'S PERMIT. WE'VE NEVER DONE THAT, WE ONLY DO IT WITH CAUSE. AND THAT PERMIT IS THE HUMBOLDT COUNTY'S, QUOTE, "TEMPORARY TRANSFER STATION."

WE'RE NOT CHALLENGING THE LOCAL AUTHORITY, WE'RE NOT CHALLENGING THE LEA CONCEPT. IN FACT, WE HAVE BEEN ONE OF THE MOST ADAMANT SUPPORTERS OF BOTH. LOCAL AGENCIES ARE FREE TO ESTABLISH THEIR OWN PROGRAMS ANY WAY THEY WANT, BUT THEY HAVE TO FOLLOW PROCESS. WE HAVE VERY SERIOUS CONCERNS BOTH ON PROCESS AND ENVIRONMENTAL CONCERNS, AND OPERATIONAL CONCERNS.

YOU'VE PROBABLY HEARD A NUMBER OF EXTRANEOUS ISSUES BEING THROWN AROUND AND ALLEGATIONS OF SOUR GRAPES, INEQUITIES, PUBLIC/PRIVATE ISSUES, ALL OF THOSE. BUT ALWAYS THERE'S TWO SIDES TO AN ARGUMENT. AND, QUITE FRANKLY, THOSE ARE NOT REALLY GERMANE TO THE ISSUE BEFORE THE BOARD, AND THAT ISSUE IS THE CONSIDERATION OF A SOLID WASTE FACILITY PERMIT.

HUMBOLDT COUNTY, IN OUR BELIEF, HAS SUBMITTED AN INCOMPLETE AND INACCURATE, INCORRECT PERMIT APPLICATION. IT HAS MISREPRESENTED THE PROJECT, RESULTING IN INADEQUATE ENVIRONMENTAL REVIEW, IN ATTEMPTS TO FAST TRACK AND PIECEMEAL CEQA. THEY HAVE CIRCUMVENTED THE PUBLIC PROCESS BY IGNORING AND DISMISSING ENVIRONMENTAL CONCERNS RAISED BY THE PUBLIC.

WE ARE NOT PROVIDING ANY NEW INFORMATION, OUR CONCERNS ARE ON RECORD. WE HAVE CONVEYED THOSE TO BOARD MEMBERS, WE'VE CONVEYED THEM THROUGHOUT THE PROCESS. EVERYTHING IS THERE, ALL DOCUMENTS ARE ON RECORD.

BOARD STAFF HAS BEEN INUNDATED WITHIN THE LAST FEW DAYS WITH SUCH VOLUMES OF NEW INFORMATION. THESE DOCUMENTS ARE JUST TWO DAYS AGO. WE BELIEVE THERE MAY BE INSUFFICIENT TIME FOR STAFF TO REVIEW. WE ALSO CONTEND THAT YOU HAVE BEFORE YOU NOT SIMPLY LAST-MINUTE CHANGES BUT AN ENTIRELY NEW PERMIT.

WE'RE CONVINCED THERE'S EVIDENCE STRONG ENOUGH FOR THE BOARD TO DENY THE PERMIT TODAY. WE BELIEVE THERE'S INSUFFICIENT TIME TO CONDUCT A PROPER CEQA REVIEW BEFORE THE PERMIT CLOCK EXPIRES ON SEPTEMBER 11TH. AND WE'RE REQUESTING THE BOARD UPHOLD YOUR OWN PERMIT PROCESS BY DENYING THE PERMIT.

WE HAVE A BRIEF PRESENTATION, A FEW OTHER SPEAKERS. MARCUS LODUCO* WILL BE PRESENTING OUR LEGAL AND CEQA ARGUMENTS. DON GAMBLIN* WILL BE PRESENTING SOME TECHNICAL ARGUMENTS. AND I'LL SUMMARIZE QUICKLY AFTER THAT.

WE'RE AVAILABLE FOR QUESTIONS.

WE HAVE ASSEMBLED SOME OF THE EXISTING DOCUMENTS THAT YOU SHOULD HAVE WITHIN YOUR OWN FILES IN THIS BOX OVER HERE. AGAIN, THEY SHOULD BE IN YOUR OWN FILES. IN THE INTEREST OF SOURCE REDUCTION WE HAVEN'T DUPLICATED THOSE COPIES, THEY SHOULD ALL BE AVAILABLE. IF YOU NEED SO, WE CAN HAVE THAT DONE.

AND WITH THAT I'LL HAVE MARCUS COME UP AND I'LL PASS OUT TO YOU JUST A COUPLE OF THE BRIEF POINTS THAT WE'VE CONVEYED TO ALL OF YOU, AND THAT ARE ON THE RECORD ALREADY.

CHAIRMAN PENNINGTON: OKAY.

MR. LODUCO: MR. CHAIRMAN, MEMBERS OF THE BOARD, MARCUS LODUCO OF SANDBERG* & LODUCO, ON BEHALF OF CITY GARBAGE COMPANY OF EUREKA AND NORCAL WASTE SYSTEMS.

A SIGNIFICANT AMOUNT OF TESTIMONY, BOTH FROM THE PUBLIC IN ARCATA AND FROM CITY GARBAGE, HAS BEEN SUBMITTED PREVIOUSLY TO THE CITY AND WE ASSUMED THAT IT HAD BEEN FORWARDED TO YOU AS PART OF THE RECORD FOR YOU TO REVIEW ON POTENTIALLY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS WHICH WE BELIEVE CONCLUDE THAT THERE IS A FAIR ARGUMENT THAT COULD BE MADE OF ADVERSE ENVIRONMENTAL IMPACTS AND, THEREFORE, AN EIR SHOULD BE PREPARED, AND THAT A NEGATIVE DECLARATION IN THIS CASE IS THE INSUFFICIENT DOCUMENT.

IN A NUMBER OF AREAS NO DATA WAS PRESENTED IN THOSE ENVIRONMENTAL DOCUMENTS -- YOU CAN LOOK THROUGH THEM AND IT'S NOT THERE -- IN SUCH CRITICAL AREAS AS AIR QUALITY AND TRAFFIC NOISE.

WE HIGHLIGHT THESE TWO ISSUES FOR A VERY SPECIFIC REASON. ON TWO TRANSFER STATION PROJECTS PROPOSED IN THE CITY OF SACRAMENTO FOR BLT ENTERPRISES AND CAL WASTE, RECENT EIRS THAT WERE RELEASED, AIR QUALITY WAS NOT ONLY ANALYZED IN ENVIRONMENTAL IMPACT REPORTS, NOT IN NEGATIVE DECLARATIONS -- BUT, WERE FOUND TO BE, AFTER ANALYSIS, PRESENTATION OF DETAILED DATA THROUGH MODELING, AS SIGNIFICANT, UNAVOIDABLE ADVERSE IMPACT.

AS BOARD MEMBER JONES NOTED, THERE IS A PARTICULATE MATTER ISSUE IN HUMBOLDT COUNTY, ACCORDING TO THE CITY'S OWN DOCUMENTS, AN EXCEEDANCE* OF STATE STANDARDS AND, THEREFORE, WE BELIEVE WITH NO DATA WHATSOEVER, NOT A SINGLE LINE OF ACTUAL DATA PRESENTED, THERE IS NO WAY TO CONCLUDE WHETHER THERE'S A SIGNIFICANT IMPACT OR NOT.

IN THE AREA OF TRAFFIC NOISE, IN THE CAL WASTE EIR RECENTLY RELEASED BY THE CITY OF SACRAMENTO, TRAFFIC NOISE WAS FOUND AFTER ALL MITIGATIONS, INCLUDING THOSE THAT ARE PROPOSED HERE BY THE CITY AND THE JPA, AND OPERATOR, AND OTHER CONDITIONS, THAT THERE IN FACT WAS A SIGNIFICANT, UNAVOIDABLE ADVERSE IMPACT.

WE HAVE HAD EIP ASSOCIATES, WHO PREPARED BOTH OF THOSE EIRS, SUBMIT COMMENTS, THEY'RE PART OF THE RECORD BEFORE YOU, THAT DETAILS A WHOLE HOST OF AREAS BASED ON THEIR EXPERTISE, PREPARING ENVIRONMENTAL DOCUMENTS THROUGHOUT THE STATE, THAT IN FACT A NEGATIVE DECLARATION IN THIS INSTANCE IS

SIMPLY INADEQUATE.

A NUMBER OF OTHER AREAS -- AND WE HIGHLIGHT STORM WATER RUNOFF, OPERATIONAL NOISE, AND ODORS. RESIDENTS FROM THE CITY, NOT JUST CITY GARBAGE, TESTIFIED AS TO SIGNIFICANT IMPACTS THAT NEED TO BE ANALYZED AND THE INFORMATION WAS NOT PROVIDED.

FOR EXAMPLE, STORM WATER RUNOFF. THE DOCUMENTS BEFORE YOU FROM THE CITY NOTE THAT THERE IS AN OPEN DRAINAGE CHANNEL NEXT TO THE SITE, IT DRAINS INTO JANIS* CREEK, WITH NOW 100 PERCENT OF THE DRAINAGE, GIVEN THE CHANGES IN THE PROJECT DRAINING INTO THAT WATERSHED. YET, THEY MITIGATE ONLY FOR A 15- TO 20-YEAR STORM EVENT.

IN LAND DEVELOPMENT PROJECTS I HANDLE THROUGHOUT THE REGION IN NORTHERN CALIFORNIA, HUNDRED-YEAR FLOODS ARE USUALLY THE MINIMUM STANDARDS THAT PEOPLE LOOK AT IN TERMS OF STORM WATER RUNOFF.

WHAT HAPPENS IF THERE'S A GREATER THAN 15- TO 20-YEAR EVENT? AT THE PUBLIC HEARING LAST WEEK WE BROUGHT UP THIS COMMENT. IT WASN'T ADDRESSED. IT WAS JUST, NO, WELL, WE'VE MITIGATED FOR THE 15- OR 20-YEAR EVENT. WHAT HAPPENS, PARTICULARLY GIVEN OUR RAINS OVER THE PAST THREE OR FOUR YEARS, WHEN YOU HAVE A HIGHER STORM EVENT? WHAT HAPPENS TO THAT OPEN DRAINAGE CHANNEL WITH RUNOFF, WHAT HAPPENS TO JANIS CREEK?

AGAIN, THERE IS NO ANALYSIS FOR YOU, FOR ANYBODY, FRANKLY, TO INCLUDE WHETHER THERE'S A SIGNIFICANT IMPACT OR NOT. THERE'S EVIDENCE IN THE RECORD THAT, IN FACT, THERE MAY BE A POTENTIAL SIGNIFICANT IMPACT. A FAIR ARGUMENT CAN BE MADE UNDER CEQA AN EIR MUST BE PREPARED.

WHAT IS, I THINK, THE BIGGEST ISSUE RELATIVE TO THE DOCUMENTS BEFORE YOU IS THE WAY THAT THE PROJECT HAS BEEN DEFINED FOR PURPOSES OF CEQA. AGAIN, AND IF I COULD -- AND BOARD MEMBER JONES REVIEWED THE PROJECT DESCRIPTION OR ISSUES FROM THE PROJECT DESCRIPTION RELATIVE TO THE PERMANENT SITE -- IF I COULD READ BRIEFLY FROM THAT PROJECT DESCRIPTION THE SENTENCE THAT DESCRIBES THE PROJECT ON THE HILLTHICKER LANE SITE: "HUMBOLDT COUNTY WASTE MANAGEMENT AUTHORITY WILL BE THE LEAD AGENCY AND WILL PREPARE AN EIR FOR (1) THE CONSTRUCTION OF A SOLID WASTE TRANSFER AND RECYCLING FACILITY AND (2) THE TRANSPORT OF WASTE FROM HUMBOLDT COUNTY BY RAIL TO EITHER THE POTRERO HILL LANDFILL LOCATED IN SOLANO COUNTY OR THE LOCKWOOD* LANDFILL LOCATED NEAR RENO, NEVADA."

SOUND FAMILIAR? IT'S VERY FAMILIAR. IT'S BASICALLY FOR ALL RELEVANT PURPOSES IDENTICAL TO THE PROJECT BEFORE YOU. AGAIN, WE HAVE A PROJECT IN A COASTAL ZONE IN BOTH SITES, WITHIN 1,000 FEET OF RESIDENCES ON BOTH SITES, HIGH GROUND WATER ON BOTH SITES -- IN SOME CASES, ACCORDING TO THE CITY ENGINEERS, VERY NEAR THE SURFACE -- AGAIN, WITH OPEN DRAINAGE CHANNELS, ISSUES LIKE THAT, THAT THEY ARE IDENTICAL FOR ALL PURPOSES FOR YOUR REVIEW. AND, YET, THERE'S DIFFERENT DOCUMENTS BEFORE YOU.

IN THAT NOTICE OF PREPARATION ISSUED LAST

DECEMBER BY THE JPA AS THE LEAD AGENCY THERE WAS NOTED, IN TERMS OF BOXES MARKED -- YOU HEARD THAT EARLIER -- 23 POTENTIALLY SIGNIFICANT IMPACTS.

ON THE NEG DEC STRANGELY ENOUGH, WITH ALL THESE IDENTICAL CHARACTERISTICS, YOU HAD SIX BOXES MARKED. SO, AGAIN, FROM THE VERY OUTSET THERE WAS A DIFFERENCE. IT WAS ISSUED LATE MAY, THERE HAS BEEN THIS RUSH TO JUDGEMENT AS OPPOSED TO DOING ADEQUATE REVIEW. WE'RE JUST SAYING THAT THAT'S WHAT NEEDS TO BE DONE IN TERMS OF ADEQUATE REVIEW ON THIS DOCUMENT.

WE WOULD AGREE, AND WE'RE GLAD TO HEAR COMMENTS, THAT THE ISSUE WHETHER IT'S PERMANENT OR TEMPORARY IS LEGALLY IRRELEVANT FOR PURPOSES OF A CEQA DOCUMENT. YOU HAVE A MAJOR PROJECT BEFORE YOU, A MAJOR SOLID WASTE FACILITY, AND ALL WE'RE SAYING IS EVERYONE NEEDS TO PLAY BY THE SAME RULES.

THE JPA, ON AUGUST 12TH, AFTER AGAIN ISSUING THAT NOTICE OF PREPARATION FOR AN EIR TO THE PROJECT, WHICH IS A MAJOR CHANGE IN THE SYSTEM IN TRANSPORTING WASTE OUT OF THE COUNTY, A TOTAL CHANGE TO THEIR COUNTYWIDE SYSTEM, DIDN'T DO ANYTHING AFTER THAT ISSUANCE OF THE NOP IN TERMS OF PREPARING AN ENVIRONMENTAL DOCUMENT. AND WHERE THEY ARE AT NOW IS THEY ADOPTED A CONTRACT WITH ECDC IN CLEAR VIOLATION OF PUBLIC RESOURCES CODE THAT SAYS APPROVAL OF A CONTRACT IS A PROJECT. IT NEEDS CEQA REVIEW. WE NOTED THAT TO THEM, THEY IGNORED IT.

SO NOW YOU HAVE ONE AGENCY AS LEAD AGENCY THAT IGNORES CEQA, IN TERMS OF APPROVING A CONTRACT, LONG-TERM CONTRACT FOR CONSTRUCTION OPERATION OF ITS TRANSFER STATION SITE. YOU HAVE THE CITY THAT HAS COMPOUNDED THAT ERROR BY SIMPLY PERFORMING A MITIGATED NEGATIVE DECLARATION. AND THEY'RE ASKING YOU AS A RESPONSIBLE AGENCY TO JOIN IN THE PARTY, AND COMPOUND FURTHER THE MISTAKE AND SIMPLY IGNORE YOUR DUTIES AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

AGAIN, WE'VE SUBMITTED A GREAT DEAL OF INFORMATION, WE THOUGHT THAT THAT WOULD HAVE BEEN PRESENTED TO YOU AS PART OF THE RECORD. APPARENTLY IT WAS NOT. WE'D BE HAPPY TO PROVIDE FURTHER COPIES TO YOU AND ANSWER ANY QUESTIONS YOU MIGHT HAVE.

CHAIRMAN PENNINGTON: QUESTIONS? OKAY.

*[END OF T-1, SIDE B; SOUNDS LIKE A LOT OF TEXT IS MISSING]

MR. GAMBLIN: TAKE A LOOK AT A COUPLE OF MORE TECHNICAL-RELATED ITEMS. BUT I DID WANT TO GET A POINT OF CLARIFICATION, HOPEFULLY, FROM STAFF.

AND THAT IS, ON THE NDFE YOUR FINDING IS BASED ON THE FACT THAT THIS FACILITY WILL DO LESS THAN FIVE PERCENT DIVERSION AND, THEREFORE, DOESN'T HAVE TO BE INCLUDED IN THE NDFE. IS THAT CORRECT?

*[NO AUDIBLE RESPONSE]

AND, THEREFORE, WHAT YOU'RE SAYING IS THAT THIS FACILITY IS NOT ALLOWED TO RECYCLE.

*FEMALE VOICE: *(INDISC/INAUD) WHAT OUR DECISION

WAS BASED ON, YES.

MR. GAMBLIN: OKAY. I JUST WANTED TO GET CLEAR ON THAT POINT.

I'VE PREPARED FACILITY INFORMATION REPORTS, RDSIS, RFIS FOR OVER 10 YEARS NOW, AND SO I DO KNOW HOW THEY'RE DEVELOPED AND WHETHER THEY MEET STATE MINIMUM STANDARDS OR NOT. IN FACT, HAVING BEEN THROUGH SOME RE-PERMITTING UP IN HUMBOLDT COUNTY, IN FACT, I DO KNOW THAT THE LEA DOES SCRUTINIZE THESE DOCUMENTS QUITE CAREFULLY. ALTHOUGH, IT APPEARS IN THE INTEREST OF RUSHING THIS THING THROUGH SOME THINGS HAVE BEEN MISSED. AND THE FINDING THAT IT IS AN ACCURATE DOCUMENT I BELIEVE IS QUESTIONABLE.

LET ME JUST GIVE YOU A FEW EXAMPLES IF I CAN. ON THE OPENING PARAGRAPHS IT STATES THAT THE TRANSFER STATION IS DESIGNED TO ACCOMMODATE PUBLIC SELF-HAUL TRAFFIC, YET IT WILL ONLY ACCOMMODATE FRANCHISED COMMERCIAL WASTE.

NOW, BY THE AUTHORITY'S REQUEST TO APPROVE THE PERMIT WITH THIS DOCUMENT ATTACHED THEY'RE ASKING YOU TO ENDORSE THE FACT THAT THE DESIGN CAN ACCOMMODATE SELF-HAUL, YET THERE IS NO INFORMATION IN THE DOCUMENT AS TO HOW THE DESIGN OR THE OPERATION CAN ACCOMMODATE THAT SELF-HAUL. SO, I QUESTION THAT STATEMENT AND ITS ACCURACY.

I DO WANT TO NOTE THAT WASTE TYPES PERMITTED TO THE FACILITY -- AND THIS IS SOMETHING THAT'S VERY ODD TO ME -- THE PERMITTED WASTE AT THE FACILITY ARE TIED TO THE LANDFILLS PERMIT NOT THE TRANSFER STATION. SO I ASK IF THE LANDFILL'S DEFINITION OF WHAT IT CAN RECEIVE OR CAN'T RECEIVE CHANGES, I BELIEVE THEN THAT THE TRANSFER STATION'S DEFINITION OF PERMITTED WASTE SEEMS TO AUTOMATICALLY CHANGE.

THE APPLICANT HAS ALSO INCLUDED A RESTRICTED WASTE AS DESIGNATED WASTE, CANNOT RECEIVE DESIGNATED WASTE AT THE TRANSFER STATION. WELL, AS SOME OF YOU MIGHT REALIZE OR UNDERSTAND, WITH WATER BOARD REGULATIONS DESIGNATED WASTE IS NOT RELEVANT TO A TRANSFER STATION OPERATION.

NOW, IF THEY THINK IT'S RELEVANT TO THE LANDFILL, THAT ALSO MAY BE INCORRECT BECAUSE OF THEIR IMMEDIATE DESIRE TO TRANSFER WASTE TO THE DRY CREEK* LANDFILL IN OREGON. OREGON REGULATIONS DO NOT HAVE A DESIGNATION WASTE CATEGORY. SO, I QUESTION AGAIN, WHAT IS THAT WASTE STREAM THAT THE FACILITY WILL OR WILL NOT RECEIVE? IT'S DIFFICULT FOR ME TO DETERMINE.

I THINK THE DESIGN CAPACITY OF THE FACILITY, PART OF IT -- AND LET ME BACK UP HERE. PART OF THE DESIGN CAPACITY IS BASED ON THE CAPACITY OF TRANSFER TRAILERS FOR OFF-SITE TRANSPORT. THAT'S PART OF THE THROUGHPUT CAPACITY, IT'S IMPORTANT IN LOOKING AT HEALTH AND SAFETY FACTORS AND ENVIRONMENTAL PROTECTION FACTORS. AND, IN FACT, HAS A LOT TO DO WITH THEIR ODOR MITIGATION PLAN AND THEIR NOISE MITIGATION PLAN. AND THAT IS, HOW FAST CAN THEY PROCESS THIS WASTE THROUGH THE FACILITY.

AND WHAT THEY HAVE NOTED IS THAT THAT CAPACITY IS BASED IN PART OF THE CAPACITY OF TRANSFER TRAILERS FOR OFF-

SITE TRANSPORT. AND IN THAT THEY GO INTO SOME DETAIL MAKING CLAIMS THAT THESE TRANSFER TRAILERS CAN, IN FACT, HOLD 25 TONS OF WASTE.

WELL, I CERTAINLY QUESTION THAT, AND I THINK ANYBODY IN THE INDUSTRY WILL QUESTION, AS A TOP-LOADING TRANSFER TRAILER, WHERE YOU HAVE TO LIFT A FULL 13 FEET, OR CLOSE TO IT, WITHOUT ANY ABILITY TO TAMP WASTE INTO THAT TRAILER THE ABILITY TO GET 25 TONS IN THAT TRAILER IS QUITE QUESTIONABLE. AND, SO I DO THINK THERE IS SOME FLAW IN THE DESIGN CAPACITY INFORMATION.

NOW, MOST DISTURBINGLY, I THINK, IS THE INFORMATION PRESENTED AS FAR AS NOISE CONTROL AND ALSO ODOR CONTROL. THEY LIST SEVERAL CONTROL MEASURES TO BE USED. ONE, THEY WILL CONDUCT ALL ACTIVITIES INSIDE THE FULLY-ENCLOSED TRANSFER STRUCTURE.

WELL, AS I LOOK AT THAT PLAN THERE IS ONE SIDE OF THAT TRANSFER STRUCTURE THAT IS EQUIPPED COMPLETELY WITH 25-FOOT ROLL-UP DOORS, SO IT ESSENTIALLY OPENS UP THAT WHOLE SIDE OF THE BUILDING.

NOW, THEY CLAIM THAT THEY'LL KEEP THOSE DOORS CLOSED AS MUCH AS POSSIBLE -- I'M NOT QUITE SURE WHAT THAT MEANS -- BUT, THEY ALSO CLAIM THAT PART OF THEIR DESIGN CAPACITY IS THE EFFICIENT AND QUICK HANDLING OF TRANSFER TRUCKS, AND BECAUSE THEY HAVE SO MANY LOADING BAYS AVAILABLE, OR UNLOADING BAYS AVAILABLE THEY'LL BE ABLE TO HANDLE THAT TRAFFIC. YET, THEY'RE ALSO SAYING THAT THEY'RE GOING TO KEEP THEM CLOSED AS MUCH AS POSSIBLE. I THINK THERE'S A DISCREPANCY THERE.

THEY ALSO MAKE STATEMENTS THAT THEY WILL PROVIDE LOADING EQUIPMENT WITH MUFFLERS AND TURN BACK-UP INDICATOR DEVICES DOWN OR REPLACE THEM WITH BACK-UP STROBES. NOW, WE ALL KNOW IN THE INDUSTRY THAT IS SIMPLY NOT ALLOWED BY OSHA REGULATION. AND TO PORTRAY THIS AS A MITIGATION MEASURE TO DEAL WITH NOISE IS QUITE CONCERNING.

THEY ALSO SAY THAT TRAFFIC FLOWS -- THEY'LL UTILIZE TRAFFIC FLOWS RUNNING THROUGH THE BUILDING SO AS TO MINIMIZE THE BACKUP OF VEHICLES. NOW, I DON'T SEE ANY TRAFFIC FLOW PLANS IN THE RSI THAT DEMONSTRATES THAT, AND I QUESTION IF THE BUILDING IS SIZED APPROPRIATELY TO HANDLE THE VOLUME OF TRAFFIC THAT THEY CLAIM IT CAN.

AND, IN FACT, WHEN THEY CLAIM THAT IT CAN HANDLE A CERTAIN AMOUNT OF TRAFFIC THEY MAKE A POINT TO NOTE THAT IT WILL BE HANDLED THROUGH THOSE OPEN LOADING BAYS, NOT THROUGH THE ENCLOSED BUILDING AND ROUTING THESE THINGS IN A CIRCULAR FASHION WITH NO BACKING UP.

AS FAR AS ODOR CONTROL, IT SAYS THAT THEY WILL PLACE WASTE IN THE SEALED TRANSFER TRAILERS. WELL THAT, TO ME, MEANS YOU'RE GOING TO PUT A TARP OF SOME SORT OVER IT AND TAPE IT OR GLUE IT SHUT, AND I DON'T THINK THAT'S THE CASE HERE.

AGAIN, UNDER ODOR CONTROL, THEY'LL KEEP THOSE SAME DOORS, THE DOORS THAT THEY'RE DEPENDANT UPON FOR CAPACITY

AND FOR HANDLING OF THE TRAFFIC FLOWS -- THEY'LL KEEP THEM CLOSED AS MUCH AS POSSIBLE. WHAT EXACTLY DOES THAT MEAN? I QUESTION THAT.

IN NO CASE SHALL ODOROUS WASTE REMAIN ON THE TRANSFER STATION FLOOR FOR PERIODS GREATER THAN TWO HOURS. WHAT IS ODOROUS WASTE? THAT'S NOT DEFINED. I THINK IT'S ENTIRELY SUBJECTIVE, AND CERTAINLY WILL BE DIFFICULT TO APPLY A STATE MINIMUM STANDARD TO.

AND THE, FINALLY, AND MY LAST COMMENT HERE, IS TARPS MADE WITH AN IMPERMEABLE FABRIC WILL FIT OVER THE TOPS OF THE TRANSPORT CONTAINERS TO PROVIDE A SECURE SEAL, AND THAT THE OPERATOR HAS USED THESE FOR SEVERAL YEARS IN A UTAH-BASED OPERATION.

WELL, I WASN'T AWARE THAT CHIP TRUCKS -- WHICH IS WHAT THEY ARE PROPOSING TO UTILIZE UP IN HUMBOLDT COUNTY -- HAD BEEN USED IN UTAH. AND I WASN'T AWARE THAT THOSE CHIP TRUCKS HAD SEALED, IMPERMEABLE TARPS ABOVE THEM.

SO, AGAIN, IN MY SHORT TIME I HAD TO REVIEW THIS RSI, THIS CURRENT RSI ON WHICH THIS PERMIT IS BASED -- AND, MIND YOU, THAT I FINALLY WAS ABLE TO SEE ALMOST A FULL RSI YESTERDAY BY A REQUEST FOR -- BY A PUBLIC FILE REVIEW REQUEST TO BOARD STAFF FOR AN RSI DATED AUGUST 21ST -- THERE WAS STILL FOUR APPENDICES THAT WERE NOT AVAILABLE IN THAT RSI. SO, I HAVE YET TO SEE A FULL DOCUMENT, ALTHOUGH YOU'RE BEING ASKED TO INCLUDE THAT RSI IN YOUR PERMIT.

AND I CERTAINLY WAS ABLE, IN THE SHORT TIME THAT I HAD, TO GLANCE THROUGH A FEW CRITICAL AREAS AND FIND SOME -- OR, AT LEAST BE ABLE TO RAISE A QUESTION IN MY MIND AS TO THE ACCURACY OF THE STATEMENTS IN THAT DOCUMENT. THANK YOU.

CHAIRMAN PENNINGTON: THANK YOU.

ANY QUESTIONS OF MR. GAMBLIN? OKAY.

MR. SWEETZER, YOU'RE GOING TO SUMMARIZE --

MR. SWEETZER: REALLY QUICKLY *(INDISC/INAUD).

CHAIRMAN PENNINGTON: LET ME JUST CHECK, ARE YOU ALL RIGHT ON PAPER? OH, OKAY, FINE, THANK YOU. WE THOUGHT YOU WERE RUNNING LOW THERE.

MR. SWEETZER: I'LL BE BRIEF. YOU HAVE THE ISSUES, THEY'RE CEQA-BASED, AND THE RFI ISSUES.

THE CEQA IS BASED UPON THE COUNTY'S OWN DEFINITION OF THE PROJECT. THE QUESTION IS, WHAT IS THE PROJECT FOR CONSIDERATION?

AND, I'M A LITTLE TROUBLED IN THAT I HEARD EARLIER THAT APPARENTLY THE COUNTY HAS STATED THAT THERE IS A NEW PROJECT DESCRIPTION. AND TO MY KNOWLEDGE, IF THAT IS TRUE, THAT HAS NOT BEEN CIRCULATED FOR PUBLIC COMMENT AS REQUIRED. AND, SO WE HAVE ANOTHER ISSUE THERE IF THAT'S TRUE. THE RFI HAS DESIGNED AN (SIC) OPERATIONAL DEFICIENCIES.

WE'VE RAISED THESE CHALLENGES BASED UPON THE EVIDENCE, BASED UPON THE PROCESS. COMMUNITIES ARE ALLOWED TO CHANGE THEIR STRUCTURE ANY WAY THEY WANT, WE'RE NOT QUESTIONING THAT AT ALL. BUT, THEY DO HAVE AN OBLIGATION TO DO IT RIGHT, THEY HAVE TO FOLLOW PROCESS IN ACCORDANCE WITH

THE STATE STATUTES AND REGULATIONS.

THANK YOU. WE'RE AVAILABLE FOR ANY QUESTIONS.

CHAIRMAN PENNINGTON: OKAY.

MEMBER EATON: I HAVE ONE QUESTION.

CHAIRMAN PENNINGTON: MR. EATON.

MEMBER EATON: COULD I GET SOME CLARIFICATION? YOU MADE THE STATEMENT THAT YOU THOUGHT THIS WAS AN ENTIRELY NEW PERMIT. IS THIS A NEW PERMIT BASED UPON THE INFORMATION THAT WAS SUBMITTED TO STAFF OVER THE LAST COUPLE OF DAYS OR JUST A CUMULATIVE EFFECT?

MR. SWEETZER: THE APPEARANCE TO US, FROM THE LAST COUPLE OF DAYS, IS WHEN YOU CHANGE LOCATION YOU CHANGE THE SIZE OF THE BUILDING, YOU CHANGE THE SHAPE OF THE BUILDING, YOU CHANGE ALL THE WAY THE MATERIALS ARE HANDLED. YOU ADDRESS WHOLE NEW SETS OF ISSUES. IT HAS ALL THE APPEARANCES OF BEING AN ENTIRELY DIFFERENT PERMIT.

MEMBER EATON: THANK YOU.

CHAIRMAN PENNINGTON: I THINK THERE IS SOME LEGAL QUESTIONS HERE THAT I THINK MAYBE WE WOULD LIKE TO CONSULT WITH OUR COUNSEL ON. I THINK THAT THE AGENDA ITEM CALLS A THE RECOMMENDATION AT THE END OF THIS BY THE STAFF, AND I DON'T THINK THEY'VE HAD A CHANCE TO DO THAT. WE'RE ALSO RUNNING INTO A LUNCH PERIOD HERE. SO, MAYBE WE COULD BREAK, TAKE LUNCH, AND HAVE A CLOSED SESSION FOR A FEW MINUTES, AND THEN COME BACK --

*MALE VOICE: MR. CHAIR, COULD I ASK ONE QUESTION --

CHAIRMAN PENNINGTON: CERTAINLY. SURE.

*MALE VOICE: -- OF EITHER THE CITY AND/OR THE LEA WITH REGARD TO A MATTER?

IF THIS PERMIT WERE TO BE APPROVED AND THE TRANSFER STATION OPERATIONAL OVER THE NEXT TWO YEARS, SOME OF THE WASTE WOULD BE HAULED BY RAIL. IS THAT CORRECT?

CHAIRMAN PENNINGTON: DOES THE LEA WANT TO ADDRESS THAT, OR...?

*MALE VOICE: MAYBE BILL GRAHAM WOULD BEST ADDRESS THAT.

MR. EATON: YEAH. THE QUESTION IS --

*[THE PARTIES SIMULTANEOUSLY SPEAK.]

MR. EATON: -- IF THE TRANSFER STATION WERE TO BE APPROVED WOULD SOME OF THE WASTE BE DISPOSED OF VIA RAIL?

MR. GRAHAM: *[PRESUMED]. THAT IS CORRECT. THE TRANSPORTATION -- OUR PLANS RIGHT NOW ARE INITIALLY -- BECAUSE IT TAKES TIME TO GET OUR TRANSPORT VEHICLES MANUFACTURED -- WOULD BE TO GO BY TRUCK INITIALLY UP TO MEDFORD FOR PROBABLY TILL SPRINGTIME NEXT YEAR. AND AT THAT POINT WE WOULD SWITCH OVER TO RAIL.

MR. EATON: OKAY. AND THE REASON WHY I ASK IS -- AND I'M SORT OF NEW TO THIS -- BUT IT SAYS HERE THAT TRAILERS THAT WILL BE HAULED BY RAIL WILL BE PARKED ON SITE. IS THAT THE TRANSFER FACILITY SITE? IF I'M NOT MISTAKEN --

MR. GRAHAM: THERE IS A --

MEMBER EATON: -- I MEAN, ISN'T THERE SOME

REGULATION WITH REGARD TO HOW LONG MATERIALS CAN STAY ON SITE AT A TRANSFER STATION?

AND, I JUST PICKED THIS UP BECAUSE I LOOKED THROUGH THE DOCUMENT AND I HAVEN'T -- IS THAT CORRECT? IS IT IF YOU WERE GOING TO UTILIZE RAIL EITHER -- YOU KNOW, WHEN YOU GOT EVERYTHING READY, WHILE IT WAS GETTING READY TO GET LOADED ON THE RAIL, THAT THESE CONTAINERS WOULD BE STORED ON SITE OF THE TRANSFER STATION? IS THAT CORRECT?

MR. GRAHAM: THAT'S CORRECT. THERE'S A PLACE ON THE TRANSFER STATION, ON THE SITE PLAN, WHERE THEY WOULD BE PARKED. RAIL SERVICE WOULD BE DAILY OR, AT MOST, EVERY OTHER DAY.

*FEMALE VOICE: THEIR DESIGN MEETS THE 48 REMOVAL FOR FREQUENCY *(INDISC/INAUD) STATE *(INDISC/INAUD) STANDARDS.

MEMBER EATON: I UNDERSTAND, I'M JUST KIND OF GOING THROUGH THIS STUFF.

*FEMALE VOICE: RIGHT. RIGHT.

*MALE VOICE: I HAVE A FOLLOW-UP BASED ON --

*MALE VOICE: -- A LITTLE BIT OF INFORMATION COULD BE DANGEROUS --

*[THE PARTIES SIMULTANEOUSLY SPEAK.]

*MALE VOICE: -- IF IT'S OKAY.

CHAIRMAN PENNINGTON: SURE. SURE.

*MALE VOICE: THIS DOCUMENT SHOWS -- I'M ASSUMING THIS IS THE STORAGE AREA HERE THAT YOU'RE REFERRING TO?

*MALE VOICE: THAT'S THE OLD PLAN --

MR. GRAHAM: THAT'S THE OLD SITE PLAN --

*[THE PARTIES SIMULTANEOUSLY SPEAK.]

*MALE VOICE: -- SHOWS WHERE TRAILERS ARE GOING TO GO?

*MALE VOICE: YES.

*[THE PARTIES SIMULTANEOUSLY SPEAK, AND SOME INAUDIBLE/INDISCERNIBLE]

*MALE VOICE: OH, OKAY.

*FEMALE VOICE: THE DESIGN THAT I GAVE YOU THIS MORNING HAS GOT THAT ON THERE.

CHAIRMAN PENNINGTON: OKAY. THAT'S WHAT I'D LIKE TO DO, I'D LIKE TO BREAK NOW AND....

YES, MR. SWEETZER?

MR. SWEETZER: IF YOU'LL INDULGE ME FOR A MOMENT? I APPRECIATE THE NEED TO MAYBE BREAK AND CONSIDER THE LEGAL COMPLEXITY OF THIS. WE HAVE ONE LITTLE PROBLEM, THAT OUR ATTORNEY HAS A MANDATORY COMMITMENT THIS AFTERNOON. IF THERE'S ANY QUESTIONS YOU MAY HAVE MAYBE A I CAN GET THEM ADDRESSED NOW? IF NOT, WE'LL TRY TO DO THE BEST WE CAN AFTER.

CHAIRMAN PENNINGTON: NO, I THINK WE'RE FINE.

MR. SWEETZER: THANK YOU.

*FEMALE VOICE: MR. CHAIRMAN?

CHAIRMAN PENNINGTON: YES?

*FEMALE VOICE: MAY I SUGGEST THAT IF YOU WANT STAFF TO MEET, I WOULD SUGGEST THAT WE RECONVENE AT A CERTAIN TIME, SO COME BACK INTO SESSION HERE IF THE STAFF DOES HAVE A

RECOMMENDATION, AND THEN ADJOURN TO CLOSED SESSION.

CHAIRMAN PENNINGTON: OKAY. THAT'S FINE.

IT'S ALMOST 12:15, A LITTLE AFTER 12:15. IS 1:30 ALL RIGHT TO RECONVENE, AND THEN WE CAN GO INTO.... WILL THAT WORK FOR EVERYBODY? OKAY.

WE WILL RECESS NOW UNTIL 1:30, AT WHICH TIME WE'LL HAVE SOME DISCUSSION, AND THEN GO INTO A CLOSED SESSION.

*WHEREUPON, LUNCHEON RECESS ETC.

CHAIRMAN PENNINGTON: OKAY. WE'LL CALL US BACK INTO SESSION, WE'RE STILL ON ITEM NUMBER 11, CONSIDERATION OF A NEW SOLID WASTE FACILITY PERMIT FOR THE HUMBOLDT COUNTY WASTE MANAGEMENT AUTHORITY TEMPORARY TRANSFER STATION IN HUMBOLDT COUNTY. WE LEFT AT THE POINT WHERE THE STAFF WAS GOING TO HUDDLE AND GIVE US A STAFF REPORT NOW.

MR. JONES REMINDS ME THAT I SHOULD ASK ABOUT *EX PARTES*.

EX PARTE COMMUNICATIONS

CHAIRMAN PENNINGTON: MR. EATON?

MEMBER EATON: WE CAN START AT THE LEFT AND MOVE RIGHT, I'M SURE, TODAY.

ONE ADDENDUM TO WHAT'S ALREADY BEEN PREVIOUSLY SUBMITTED. AS PART OF A MEETING I HAD YESTERDAY ON THIS PARTICULAR MATTER, ITEM THAT WE'RE ON, I ALSO -- PART OF THE MEETING WAS BRUCE GONDRY* AS WELL AS DON GAMBLIN. AND THAT WOULD HAVE BEEN WITH REGARD TO MY *EX PARTE* 8640*.

IN ADDITION, I HAD A CONVERSATION WITH JOHN CUPS* REGARDING TRANSFER STATION REGULATIONS ON TODAY'S AGENDA. AND A SUBSEQUENT CONVERSATION WITH SWEETZER REGARDING THE LANDERS* CENTER LANDFILL IN SAN BERNARDINO, AGAIN ON TODAY'S AGENDA.

CHAIRMAN PENNINGTON: OKAY. THANK YOU.

MR. JONES?

MEMBER JONES: MR. CHAIRMAN, JUST A BRIEF DISCUSSION WITH BILL GRAHAM FROM ECDC. AND THEN ONE WITH MS. PANDY LEACHMAN* ON TRANSFER STATION REGS.

CHAIRMAN PENNINGTON: VERY GOOD. THANK YOU.

*MALE VOICE: I DIDN'T TALK TO ANYONE.

CHAIRMAN PENNINGTON: *(INDISC/INAUD). I DIDN'T EITHER. UNLIKE YOU, I WENT AND HAD LUNCH AND TALKED TO MY STAFF.

OKAY. *(INDISC/INAUD).

*[ITEM 11 CONTINUES BELOW]

*FEMALE VOICE: OKAY. GOOD AFTERNOON. BASED ON OUR DOCUMENTATION AND TESTIMONY THAT WE'RE RECEIVED TODAY STAFF RECOMMEND THAT THE BOARD ASK THE APPLICANT TO COME BACK ON THE SEPTEMBER 10TH, 1998, BOARD MEETING.

BEFORE THAT MEETING IT WOULD BE NECESSARY FOR THE APPLICANT TO COMPLETELY ADDRESS THE FOLLOWING CEQA ISSUES IN THE APPROPRIATE MATTER *[SOUNDS LIKE A (SIC), BUT COULD BE MANNER??], PERHAPS IN AN ADDENDUM TO THE MITIGATED NEG DEC. THE ADDENDUM OR OTHER APPROPRIATE DOCUMENTATION SHALL ADDRESS THE FOLLOWING ISSUES.

THE FIRST ISSUE IS THE PROJECT DESCRIPTION MUST CLEARLY IDENTIFY THE PROJECT SITE, INCLUDING THE PARCEL NUMBER.

AND THE EXISTING NUMBER OF TRUCKS WHICH ARE GOING BETWEEN OREGON AND EUREKA NEED TO BE IDENTIFIED IN THAT PROJECT DESCRIPTION.

THE PERMANENT -- THE PROJECT DESCRIPTION MUST ALSO EXCLUDE PROJECT DESCRIPTION MUST ALSO EXCLUDE RAIL HAUL MOVEMENT, SINCE THIS WAS NOT ANALYZED IN THE CEQA DOCUMENT BEFORE US. AND, OTHERWISE, IT WOULD HAVE TO BE ADDITIONALLY ANALYZED IN ANOTHER CEQA DOCUMENT OR CEQA REVIEW.

THE MITIGATION -- THERE SHOULD BE A MITIGATION MEASURE IN PLACE FOR THE SELF-HAUL, IN CASE THE CITY GARBAGE COMPANY TRANSFER STATION CLOSURES. THIS COULD BE DONE IN VARIOUS DIFFERENT WAYS, BUT THAT MITIGATION MEASURE ALSO HAS TO BE IN THAT ADDENDUM. OR, OTHER APPROPRIATE CEQA DOCUMENTATION.

THE JPA MUST ALSO NOT USE THIS DOCUMENT FOR THEIR PERMANENT FACILITY, AND THIS SHOULD BE CLEAR IN THE ADDENDUM, OR OTHER APPROPRIATE CEQA DOCUMENTATION.

STAFF FEEL VERY SATISFIED WITH LEA'S DETERMINATION THAT THE RSI MEETS THE TITLE 14 REQUIREMENTS AT THIS TIME.

AND, IT IS MY UNDERSTANDING THAT THE APPLICANT WAS UNWILLING TO PUSH THIS ITEM, OR CARRY OVER THIS ITEM TO THE SEPTEMBER 10TH MEETING. AND HE MAY FEEL A LITTLE BIT DIFFERENTLY NOW. IF THAT IS THE CASE, THEN STAFF DOES NOT HAVE ADEQUATE CEQA DOCUMENTATION TO SUPPORT THE PROJECT.

CHAIRMAN PENNINGTON: OKAY. ANY QUESTIONS?

MEMBER JONES: MR. CHAIRMAN? MAY I ASK STAFF --

CHAIRMAN PENNINGTON: MR. JONES.

MEMBER JONES: GEORGEANNE*, THE SECOND ONE WAS TRUCKS, YOU SAID, FROM EUREKA TO OREGON. IT WOULD BE FROM ARCATA TO OREGON, RIGHT?

*FEMALE VOICE: YOU'RE CORRECT. THANK YOU.

MEMBER JONES: AND THEN DO WE TAKE INTO ACCOUNT THE TRUCKS THAT ARE GOING TO BE GOING FROM -- DO THEY ADEQUATELY TAKE CARE OF THE TRUCKS THAT WOULD -- IT USED TO BE FOUR OR FIVE TRUCKS CAME DOWN FROM ARCATA DOWN TO EUREKA. NOW HOW MANY TRUCKS ARE GOING UP TO ARCATA?

*FEMALE VOICE: I DON'T THINK WE HAVE AN ISSUE WITH THE LOCAL TRAFFIC PATTERN.

MEMBER JONES: OKAY. WHAT WAS THE THIRD ONE? I WAS WRITING AND --

*FEMALE VOICE: I WAS TRYING TO TALK SLOW.

MEMBER JONES: NO, I WAS DOING SOMETHING ELSE, IT'S MY FAULT. SORRY.

*FEMALE VOICE: THAT'S OKAY. THE PROJECT DESCRIPTION WOULD HAVE TO EXCLUDE RAIL MOVEMENT, UNLESS THEY WANTED TO DO FURTHER CEQA ANALYSIS ON THAT, BECAUSE THAT'S NOT DESCRIBED IN THE DOCUMENT.

MEMBER JONES: OKAY.

CHAIRMAN PENNINGTON: OKAY? MR. SWEETZER?

MR. SWEETZER: ONE POINT, ALSO, AND I BELIEVE ON THE SECOND ITEM ON -- FOR FROM EUREKA OR ARCATA UP TO OREGON, THERE'S ALSO OTHER OPTIONS IN THERE, AS FAR AS POTRERO HILLS AND POSSIBLY OTHERS THAT MAY NEED TO BE LOOKED AT, AS FAR AS FINAL DISPOSAL.

*FEMALE VOICE: I THINK WHAT WE'RE SAYING IS THAT THIS DOCUMENT WOULD BE ADEQUATE TO DEAL WITH A PROJECT WHICH BASICALLY USES THE EXISTING TRUCKS TO MOVE BETWEEN ARCATA AND THE OREGON LANDFILL, AND NO OTHER DISPOSAL ROUTES AT THIS TIME. SO, THE DOCUMENT SHOULD BE CLARIFIED TO SAY THAT THE PROJECT DESCRIPTION ONLY ENCOMPASSES THE EXISTING TRUCK TRAFFIC.

DOES THAT MAKE SENSE? YOU LOOK PUZZLED. AM I NOT BEING CLEAR?

MR. SWEETZER: I MAY HAVE TO BRING SOMEONE ELSE UP TO ANSWER THAT QUESTION. BUT THERE WAS DISCUSSION -- AND I DON'T THINK IT HAD BEEN RESOLVED, ALTHOUGH IT LOOKS LIKE IT MAY BE GOING TO OREGON, IT ALSO -- IT IS OPEN TO POSSIBILITIES, AND MAYBE THIS IS THE COUNTY'S QUESTION, TO POTRERO HILLS IN SOLANO COUNTY.

*FEMALE VOICE: THE POTRERO HILLS ROUTE WOULD BE DONE BY RAIL. THAT'S HOW IT WAS DESCRIBED IN THE CEQA DOCUMENT. WE'RE ASKING FOR THAT TO BE COMPLETELY TAKEN OUT OF THE PROJECT DESCRIPTION.

*MALE VOICE: OR TRUCK TRAFFIC TO POTRERO? TRUCK TRAFFIC TO POTRERO WOULD ALSO BE INCLUDED IN THAT?

*FEMALE VOICE: THAT WAS NOT INCLUDED IN THE PROJECT DESCRIPTION. THAT WOULD NOT -- WE WOULD ANTICIPATE THAT THERE'S NOTHING IN THE DOCUMENT THAT COVERS TRUCK TRAFFIC TO POTRERO HILLS.

*MALE VOICE: THANK YOU.

CHAIRMAN PENNINGTON: I GUESS WE'D LIKE TO HEAR A RESPONSE FROM THE CITY. DO YOU WISH TO RESPOND?

*MALE VOICE: MAY WE REQUEST FIVE MINUTES TO STEP OUTSIDE AND DISCUSS THIS?

CHAIRMAN PENNINGTON: SURE.

*MALE VOICE: THANK YOU.

*(OFF THE RECORD.)

CHAIRMAN PENNINGTON: OKAY. WE'LL COME BACK TO ORDER HERE. I THINK THE CITY IS READY TO RESPOND TO OUR QUESTION.

*MALE VOICE: THE APPLICANT ACCEPTS THE STAFF'S RECOMMENDATION.

CHAIRMAN PENNINGTON: OKAY. THAT MEANS WE'LL CARRY THIS OVER, THEN, TILL THE SEPTEMBER 10TH MEETING. IS THAT ACCEPTABLE WITH EVERYBODY?

*MALE VOICE: YEAH. WORKS FOR ME.

CHAIRMAN PENNINGTON: OKAY. THANK YOU.

*MALE VOICE: I DON'T KNOW IF YOU'VE CLOSED THE ITEM. I WAS INTERESTED IN GETTING A BIT OF CLARIFICATION ON AN ITEM THAT STAFF RAISED. IS THAT POSSIBLE?

CHAIRMAN PENNINGTON: I THINK YOU CAN DEAL WITH THE STAFF AFTER THIS, AND YOU CAN TALK WITH THEM.

*MALE VOICE: OKAY. THANK YOU. WELL, ACTUALLY, I WAS INTERESTED ON GETTING IT ON THE RECORD FOR THE BENEFIT OF OUR ATTORNEY, WHO IS NOT HERE. BUT IF THE ITEM'S BEEN CLOSED WE'LL TAKE IT UP WITH STAFF THEN.

CHAIRMAN PENNINGTON: YEAH, I THINK THAT'S BEST TO DO.

*MALE VOICE: THANK YOU.

CHAIRMAN PENNINGTON: THANK YOU.

*MALE VOICE: MR. CHAIR, EVERYONE IS WELCOME TO STAY, ARE THEY NOT?

CHAIRMAN PENNINGTON: CERTAINLY.

*MALE VOICE: FOR THE REST OF THE PROCEEDINGS?

CHAIRMAN PENNINGTON: ABSOLUTELY. YOU'RE ALL WELCOME.

OKAY. NOW WE'RE GOING TO MOVE TO ITEM NO. 10, WHICH IS THE CONSIDERATION OF A REVISED SOLID WASTE FACILITY PERMIT FOR LANDERS* SANITARY LANDFILL IN SAN BERNARDINO COUNTY.

ITEM NO. 10: CONSIDERATION OF A REVISED SOLID
WASTE FACILITY PERMIT FOR LANDERS SANITARY LANDFILL
IN SAN BERNARDINO COUNTY

MS. *HAMBLETON: GOOD AFTERNOON, MY NAME IS SUZANNE HAMBLETON. I'M PRESENTING THIS ITEM FOR DIANA HASMER* WHO CANNOT BE HERE TODAY.

THE LANDERS --

CHAIRMAN PENNINGTON: DOES SHE HAVE JURY DUTY, TOO?

MS. HAMBLETON: NO, SHE'S IN THE FIELD.

THE LANDERS SANITARY LANDFILL HAS BEEN OPERATING SINCE 1965. THE PROPOSED PERMIT WILL ALLOW FOR AN INCREASE IN DAILY WASTE TONNAGE FROM 381 TONS PER DAY TO 1,200 TONS PER DAY.

INCIDENTALLY, THERE'S A TYPO ON PAGE 10.2 AT THE TOP OF THE PAGE, WHICH STATES THAT IT WOULD BE 1600 TONS PER DAY. THAT'S INCORRECT, IT SHOULD BE 1200 TONS PER DAY.

AND IT WOULD ALSO ALLOW FOR AN INCREASE IN OPERATION DAYS FROM SIX TO SEVEN DAYS PER WEEK, EXPAND THE HOURS OF OPERATION FROM 12 TO 13 HOURS PER DAY, INCORPORATE THE FEBRUARY, 1998, RDSI, WHICH DESCRIBES THE CURRENT OPERATIONS, AND CHANGE THE ESTIMATED CLOSURE DATE FOR ONE YEAR, FROM THE YEAR 2007 TO THE YEAR 2008. AND THIS IS DUE TO A MORE RECENT FLY-OVER WITH AN UPDATED CAPACITY CALCULATIONS.

THE INCREASE IN TONNAGE IS PRIMARILY DUE TO THE CLOSING OF SEVERAL LANDFILLS IN SAN BERNARDINO COUNTY. THIS LANDFILL WILL BE TAKING WASTE THAT WAS ORIGINALLY SENT TO MORANGO* LANDFILL, TWENTY-NINE* PALMS LANDFILL, AND EVENTUALLY PERHAPS TAKING WASTE FROM CAMP ROCK* TRANSFER STATION.

AT THE TIME THE ITEM WAS WRITTEN THE LEA AND BOARD STAFF HAD MADE ALL THE NECESSARY FINDINGS, INCLUDING COMPLIANCE WITH 50,001, PRC* 50,001*. THE LANDFILL IS IDENTIFIED AND DESCRIBED IN THE *(INDISC/INAUD). THE FACILITY

IS CONSISTENT WITH STATE MINIMUM STANDARDS. AND CEQA HAS BEEN COMPLIED WITH. THE MITIGATED NEG DEC WAS PREPARED IN SEPTEMBER OF 1997.

THE INFORMATION PROVIDED BY THE OPERATOR REGARDING CLOSURE/POST-CLOSURE MAINTENANCE PLANS, FUNDING FOR CLOSURE/POST-CLOSURE, AND OPERATING LIABILITY INSURANCE ARE ADEQUATE.

AT THIS TIME THE LEA AND STAFF RECOMMEND THE BOARD ADOPT RESOLUTION 98-272, CONCURRING IN THE REVISION OF THE LANDERS SANITARY LANDFILL SOLID WASTE FACILITY PERMIT.

THIS CONCLUDES MY PRESENTATION. THE LEA FROM SAN BERNARDINO IS ALSO HERE IF YOU HAVE ANY QUESTIONS.

CHAIRMAN PENNINGTON: QUESTIONS? MR. EATON?

MEMBER EATON: I JUST HAVE A COUPLE OF QUESTIONS. AND I THANK MY FELLOW BOARD MEMBERS, AS WELL AS STAFF, AND THE APPLICANT AS WELL. BUT, AS WE BEGIN THIS NEW PROCESS OF TWO BOARD MEETINGS -- AND, AS I STATED BEFORE, I BELIEVE THAT WHEN IT COMES TO PERMITS AND ENFORCEMENT, THAT THOSE TYPES OF ACTION SHOULD HAVE A FULL HEARING. AND THAT WHILE THERE MAY BE TIMES WHEN CONSENT IS APPROPRIATE, I THINK WE'LL DEVELOP WHEN THOSE TIMES ARE APPROPRIATE AS WE GO ALONG, BUT I THINK THAT THIS IS ONE OF THOSE SENSITIVE AREAS.

AND THE ONE QUESTION I HAD WAS BASICALLY, WHEN IS MORANGO AND TWENTY-NINE PALMS SCHEDULED TO CLOSE?

MS. HAMBLETON: MORANGO IS ALREADY CLOSED. IT'S OPERATING OUT OF A TRANSFER STATION.

CURRENTLY TWENTY-NINE PALMS, MATT?

MR. SLOWIK: MATT SLOWIK*, SAN BERNARDINO COUNTY LEA. TWENTY-NINE PALMS I BELIEVE SHOULD BE CLOSED SOMEWHERE TOWARDS THE END OF THE YEAR, POSSIBLY NOVEMBER. AND A TRANSFER STATION WOULD ALSO BE CONSTRUCTED, LOCATED AT THAT SITE, SIMILAR TO MORANGO VALLEY.

MEMBER EATON: AND FOR PURPOSES OF WHAT I ASKED, IS WE'RE MOVING UP -- *(AWKWARD, STUTTERING?) WHICH AT THE TIME, AND LOOKING AT IT, WAS NEARLY AN 800-TON INCREASE. THE FIGURES THAT I HAVE, JUST FOR THE RECORD, ARE -- IS THAT THE MAXIMUM MORANGO COULD HAVE WAS 236 AND TWENTY-NINE PALMS WAS 452. DOES THAT MEET WITH YOUR RECORDS, AS WELL?

MR. SLOWIK: THE TABLE PROVIDED TO YOU THAT REFLECTS THOSE FIGURES?

MEMBER EATON: YEAH.

MR. SLOWIK: AGAIN, THAT INDICATES THE MAXIMUM TONNAGES ON THOSE PEAK DAYS THAT WAS EXPERIENCED AT THOSE RESPECTIVE SITES.

ON AVERAGE, ON A NORMAL DAY, DO THEY REACH THOSE LEVELS? NO, THEY DON'T. SO ON AVERAGE, A NORMAL DAY'S -- IN TERMS OF THE AMOUNT OF WASTE THAT'S TRANSFERRED TO LANDERS, WILL IT BE THAT HIGH OR THAT QUANTITY? NO. IT'LL PROBABLY BE MORE REFLECTIVE OF THE AVERAGE AS SHOWN IN THAT TABLE.

MEMBER EATON: OKAY. AND THE FOOTPRINT IS ADEQUATE TO HANDLE THE UPPER LOAD.

MR. SLOWIK: YEAH. THE LANDERS FOOTPRINT?

MEMBER EATON: YEAH.

MR. SLOWIK: THAT'S CORRECT. YES.

MEMBER EATON: OKAY. THAT'S ALL I HAVE.

CHAIRMAN PENNINGTON: OKAY. ANY OTHER QUESTIONS OF STAFF OR THE LEA?

IF NOT, I'LL ENTERTAIN A MOTION.

*MALE VOICE: I MAKE A MOTION THAT WE ADOPT RESOLUTION 98-272, REVISED FACILITY PERMIT FOR THE LANDERS SANITARY LANDFILL.

*MALE VOICE: I'LL SECOND.

CHAIRMAN PENNINGTON: OKAY. IT'S BEEN MOVED AND SECONDED.

IF THERE'S NO FURTHER DISCUSSION WILL THE SECRETARY CALL THE ROLL, PLEASE?

THE SECRETARY: BOARD MEMBER EATON?

MEMBER EATON: AYE.

THE SECRETARY: FRAZEE?

MEMBER FRAZEE: AYE.

THE SECRETARY: JONES?

MEMBER JONES: AYE.

THE SECRETARY: CHAIRMAN PENNINGTON?

CHAIRMAN PENNINGTON: AYE.

THE MOTION CARRIES.

WE MOVE TO ITEM NO. 5 NOW, CONSIDERATION OF EQUITY ISSUES RELATED TO THE INTEGRATED WASTE MANAGEMENT FUND. MAUREEN GOODALL*.

ITEM NO. 5: CONSIDERATION OF EQUITY ISSUES
RELATED TO THE INTEGRATED WASTE MANAGEMENT FUND

MS. GOODALL: GOOD AFTERNOON, CHAIRMAN AND BOARD MEMBERS. FOR THE RECORD, MY NAME IS MAUREEN GOODALL, AND I'M WORKING IN THE POLICY AND ANALYSIS OFFICE, AND I'LL BE PRESENTING TODAY'S AGENDA ITEM 5, CONSIDERATION OF EQUITY ISSUES RELATED TO THE INTEGRATED WASTE MANAGEMENT FUND.

ELIOT BLOCK* IS ALSO HERE TODAY, AND HE WILL BE ADDRESSING SOME OF THE LEGAL QUESTIONS THAT WERE RAISED DURING OUR WORKSHOPS IN MARCH.

GETTING INTO THE ITEM, BASICALLY I'M GOING TO UPDATE YOU ON WHAT'S HAPPENED SINCE THE LAST TIME WE HEARD THIS ITEM, IN JANUARY AT THE ADMIN COMMITTEE.

SINCE THEN WE HAD TWO BOARD WORKSHOPS IN MARCH OF '98, ONE IN SACRAMENTO AND ONE IN BURBANK. AND THE ATTENDANCE IN THESE WORKSHOPS INCLUDE BOARD MEMBERS, STAFF, LEGISLATIVE STATE AND LOCAL GOVERNMENT STAFF, AND/OR THEIR REPRESENTATIVES, AND REPRESENTATIVES FROM THE WASTE INDUSTRY IN CALIFORNIA AND FROM OUT OF STATE.

THE PARTICIPANTS WERE PROVIDED A COPY OF QUESTIONS AHEAD OF TIME TO FACILITATE THE WORKSHOPS, AND THAT IS ALSO ATTACHED TO THIS ITEM IN ATTACHMENT 1. AND DURING THE WORKSHOP WE HAD A GREAT INTERACTIVE DISCUSSION, AND STAFF FEELS THAT WE GOT A LOT OF VALUABLE INFORMATION OUT OF THE WORKSHOPS.

SINCE THEN WE PREPARED A SUMMARY OF THE COMMENTS

THAT WE RECEIVED FROM THE WORKSHOPS, AND WE MAILED THAT TO ALL INTERESTED PARTIES IN MID MAY. AND THAT'S ALSO ATTACHED TO YOUR ITEM, THAT'S ATTACHMENT 2.

BASICALLY, ALL THE PARTICIPANTS, OR THE MAJORITY OF ALL THE PARTICIPANTS AGREED THAT THERE WERE EQUITY ISSUES INVOLVED IN THIS, REGARDING THIS ISSUE.

AND FROM THAT STAFF, AFTER RECEIVING A LOT OF PUBLIC INPUT THROUGH THE WORKSHOP, AND ALSO FROM SOME LETTERS THAT WE RECEIVED, WE FOCUSED OUR RESEARCH IN THE AREA OF REQUIRING EXPORTING JURISDICTIONS TO PAY THEIR FAIR SHARE OF BOARD PROGRAMS AND SERVICES, AND CHANGING THE POINTS OF COLLECTION FOR WASTE LEAVING CALIFORNIA IN ORDER TO RECAPTURE THOSE IWMA *(FAIRLY CLEARLY SAYS IWMA, BUT REFERRED TO HEREINAFTER ALSO AS IWM, AND THEN FURTHER ON AGAIN AS IWMA ??) FEES.

HOWEVER, ANY CHANGE IN COLLECTION POINT IS GOING TO REQUIRE LEGISLATIVE ACTION. I JUST WANT TO MAKE SURE THAT THAT POINTS BROUGHT UP.

WE DID PUT TOGETHER THREE OPTIONS, AND THOSE ARE IN THE PACKET BEGINNING ON PAGE 5-4, AND GO THROUGH MOST OF 5-5.

THE FIRST BEING REQUIRING TRANSFER STATIONS WHO EXPORT WASTE OUT OF STATE TO PAY A DISCOUNTED IWM* FEE, AND THIS FEE, AND THIS FEE WOULD NOT INCLUDE PAYMENT FOR BOARD SERVICES TO REGULATE LANDFILLS IN THE STATE.

THE SECOND OPTION WE DEVELOPED WAS TO REQUIRE ANYBODY WHO EXPORTS WASTE OUT OF STATE, INCLUDING TRANSFER STATIONS, MATERIAL RECOVERY FACILITIES, OR DIRECT HAULERS, TO PAY A DISCOUNTED IWM FEE. THIS FEE WOULD NOT INCLUDE PAYMENT FOR BOARD SERVICES TO REGULATE LANDFILLS IN THE STATE.

AND THE THIRD OPTION THAT WE DEVELOPED WAS TO REQUIRE THOSE JURISDICTIONS WHO EXPORT WASTE OUT OF STATE TO REPORT EXPORT TONNAGES TO THE BOARD AND PAY A DISCOUNTED IWM FEE BASED ON THESE REPORTS.

THOSE ARE THE OPTIONS WE DEVELOPED. AND THERE WERE ALSO SOME LEGAL QUESTIONS THAT CAME UP DURING THE WORKSHOPS, AND ELIOT'S GOING TO ADDRESS THOSE.

MR. BLOCK: IF YOU'LL JUST GIVE ME A SECOND TO GET THE SCREEN. THEY GAVE ME A NEW TOY TODAY TO USE, THIS IS THE FIRST TIME WE HAVE A REMOTE CONTROL MOUSE TO TRY TO DO THIS, SO BEAR WITH ME IF IT DOESN'T DO ITS THING.

CHAIRMAN PENNINGTON: OH, GOOD.

MR. BLOCK: AS MAUREEN HAD MENTIONED, THERE WERE A NUMBER OF LEGAL ISSUES THAT WERE RAISED AT THE WORKSHOPS, AND ACTUALLY IN THE AGENDA ITEMS PRIOR TO THE WORKSHOPS. AND THE DISCUSSION THAT'S IN THE AGENDA ITEM, AND THAT I'M JUST GOING TO BRIEFLY GO THROUGH TODAY, IS BY NO MEANS AN EXHAUSTIVE ANALYSIS OF THOSE.

WE'RE TOUCHING ON SOME OF THOSE ISSUES AND PROVIDING THE BASIC STANDARDS THAT APPLY BUT, OF COURSE, DEPENDING ON THE DIRECTION THE BOARD WOULD GIVE US WE WOULD, THEN, AT THAT POINT DO SOME MORE EXTENSIVE ANALYSIS AND

WRITING OF DIFFERENT OPTIONS AND THE LIKE.

THERE WERE ACTUALLY A LARGE NUMBER OF LEGAL QUESTIONS THAT CAME UP, AND FOR TODAY'S PRESENTATION FOR THE AGENDA ITEM I HAVE SCALED THOSE DOWN TO JUST FIVE BASIC LEGAL QUESTIONS THAT I AM GOING TO ADDRESS TODAY.

FOR THOSE THAT HAVE AGENDA ITEMS THAT WOULD PREFER TO FOLLOW ALONG IN THAT FORMAT, THE DISCUSSION IS ON PAGE 5-5 OF THE ITEM THROUGH PAGE 5-9. THOSE QUESTIONS ARE UP ON THE BOARD. AND, DOES THE EXISTING STATUTE ALLOW FOR AN EXPORT FEE? ARE THERE OTHER EXISTING STATUTES ALREADY IN THE PRC THAT COULD BE USED TO ADDRESS THE EXPORT FEE? WOULD THE COMMERCE CLAUSE RESTRICT THE EXPORT FEE?

AND THEN TWO RELATED QUESTIONS, BUT THEY WEREN'T THAT SPECIFIC TO THE EXPORT FEE, BUT ALSO RECEIVED A NUMBER OF COMMENTS SO I THOUGHT I WOULD ADDRESS THEM. DOES THE IWM FEE APPLY TO C&D* DISPOSAL? AND, DOES THE IWM FEE APPLY TO TRANSFORMATION?

FIRST, THE IWM FEE. THIS IS AN EXCERPT OF PRC 48,000, WHICH IS THE IWM FEE. AND, AS YOU CAN SEE AND AS YOU KNOW, IT'S FAIRLY SPECIFIC. IT DEALS WITH THE FEE BEING CHARGED TO THE OPERATOR OF A DISPOSAL SITE FOR SOLID WASTE DISPOSED. THEREFORE, ANY OF THE OPTIONS THAT HAVE BEEN DISCUSSED TO THIS POINT RELATING TO EXPORT FEE WHICH INVOLVED EITHER CHARGING THE FEE AT A TRANSFER STATION OR CHARGING JURISDICTIONS DIRECTLY WOULD REQUIRE A STATUTORY CHANGE.

ON THE SCREEN BEFORE YOU THERE ARE EIGHT FEE PROVISIONS FROM THE PRC. I BASICALLY WENT THROUGH AND PULLED OUT EVERY FEE PROVISION THAT THERE WAS. THIS QUESTION CAME UP AT THE WORKSHOP AS TO WHETHER THERE WAS AN EXISTING STATUTE THAT WE COULD SOMEHOW USE TO GET AT THE EXPORT FEE ISSUE OR FEE EQUITY ISSUES. AND THEY'RE BRIEFLY DESCRIBED ON THE SCREEN, I WON'T READ THEM ALL TO YOU, BUT NONE OF THEM WOULD FIT THE SITUATION THAT WE'RE TALKING ABOUT.

THE THIRD ISSUE THAT WAS RAISED WAS REGARDING THE COMMERCE CLAUSE. AND THIS I'M GOING TO GO VERY QUICKLY THROUGH. I STARTED WRITING AN ANALYSIS OF THIS AND REALIZED THAT I COULD PROBABLY WRITE 50 PAGES, AND THAT WOULDN'T DO MUCH GOOD FOR THE PURPOSES OF THIS AGENDA ITEM.

VERY QUICKLY, OF COURSE, THE COMMERCE CLAUSE HAS BEEN USED AS A TOOL BY THOSE OPPOSING WHAT'S KNOWN AS FLOW CONTROL AND SOLID WASTE HAS BEEN CONSIDERED AN ARTICLE OF COMMERCE, WHICH IS SUBJECT TO THE COMMERCE CLAUSE.

THE PROVISIONS OF CASE LAW PROVIDES THAT -- I'M GOING TO SKIP SOME OF THESE JUST TO GO THROUGH THIS QUICK. BUT BASICALLY, THE STATE, AND BY EXTENSION A MUNICIPALITY, CANNOT DISCRIMINATE AGAINST THE FLOW OF INTERSTATE COMMERCE. AND SO THAT'S BEEN EXTENDED BY THE CASES TO INCLUDE EITHER RESTRICTIONS OR FEES CHARGED TO SOLID WASTE THAT COULD SOMEHOW RESTRICT THEIR FLOW BETWEEN STATES, AND THAT'S THE ISSUE THAT'S BEEN RAISED IN TERMS OF THE EXPORT FEE THAT WE'VE BEEN DISCUSSING, AS TO WHETHER SOMEHOW THAT WOULD VIOLATE THOSE PROVISIONS.

THERE IS, THOUGH, WHAT I'VE CALLED THE COMPENSATORY FEE DOCTRINE -- ALTHOUGH THE CASES SO FAR HAVE TALKED ABOUT THEM AS A COMPENSATORY TAX DOCTRINE, BECAUSE THEY'VE BEEN DEALING WITH TAXES -- THAT PROVIDES THAT ARTICLES OF COMMERCE MAY BE MADE TO PAY THEIR WAY AS THEY MOVE THROUGH INTERSTATE COMMERCE, AS LONG AS THE STATE IS NOT TRYING TO EXACT MORE THAN A JUST SHARE FROM THE INTERSTATE COMMERCE.

THE U.S. SUPREME COURT HAS ACTUALLY APPLIED, AGAIN, WHAT THEY CALL THE COMPENSATORY TAX DOCTRINE TO A FEE SITUATION AND SAID THAT IT WOULD BE APPLICABLE TO FEES ON SOLID WASTE. THIS IS THE OREGON WASTE SYSTEMS CASE. IN THAT PARTICULAR CASE THEY DIDN'T MEET THE TEST OF THE COMPENSATORY FEE DOCTRINE. BUT IT IS -- THE U.S. SUPREME COURT HAS INDICATED THAT THIS IS AN EXCEPTION THAT'S AVAILABLE IN THE FLOW CONTROL CASES.

IN THE CONTEXT OF THE AGENDA ITEM BEFORE YOU THIS IS WHAT GIVES RISE TO THE OPTION OF CHARGING A DISCOUNTED FEE FOR WASTE THAT GOES OUT OF STATE. IN OTHER WORDS, THE KEY, OF COURSE, IS CORRECTLY ANALYZING WHAT THAT WASTE MOVING OUT OF THE STATE -- WHAT IT'S JUST SHARE IS, AND AS LONG AS THAT'S DONE CORRECTLY IT WOULD, IN FACT, NOT VIOLATE THE FLOW CONTROL PROVISIONS.

IN TERMS OF THE OPTIONS THERE BEFORE YOU IN THE AGENDA ITEM ANALYSIS, THIS IS WHERE THE IDEA OF A -- AND I'M FORGETTING NOW IF IT WAS FIVE OR SIX PERCENT -- BUT, THE SIX PERCENT DISCOUNT IN TERMS OF THE IWM FEE, THAT SIX PERCENT WAS CALCULATED TO REMOVE THE COST ASSOCIATED WITH LANDFILL REGULATION. BECAUSE, OBVIOUSLY, THE WASTE MOVING OUT OF STATE WOULD NOT BE INCURRING THOSE COSTS WITHIN THE STATE.

BUT, ALL THE OTHER PROGRAMS THAT THE BOARD CONDUCTS RELATING TO WASTE AND RECYCLING AND THE LIKE, AND MARKET DEVELOPMENT -- WHICH ALL, OF COURSE, TIE IN -- THOSE COSTS WOULD ALL STILL BE A PART AND PARCEL OF WHAT THAT WASTE, AND THE JURISDICTIONS THAT ARE EXPORTING THAT WASTE, BENEFITS THEY GET FROM THE BOARD.

ANOTHER QUESTION THAT WAS RAISED AT THE WORKSHOP WAS A REQUEST FOR SOME CLARIFICATION REGARDING THE APPLICATION OF THE IWM FEE TO CONSTRUCTION AND DEMOLITION DISPOSAL. I WON'T READ THROUGH WHAT'S ON THE SCREEN IN FRONT OF YOU. BUT, THE SHORT ANSWER IS CONSTRUCTION AND DEMOLITION DISPOSAL SITE WASTE DISPOSED AT THAT SITE WOULD BE SUBJECT TO THE FEE. CONSTRUCTION AND DEMOLITION IS SPECIFICALLY IDENTIFIED AS A TYPE OF SOLID WASTE. IT'S BEING DISPOSED OF AT A PERMITTED DISPOSAL FACILITY PERMITTED BY THE BOARD, AND FITS ALL THOSE REQUIREMENTS.

WE HAVE HAD SOME ISSUES COME UP OVER THE PAST FEW YEARS AS TO HOW EFFECTIVELY CERTAIN SITES HAVE BEEN TRACKED FOR THAT DISPOSAL AND PAYING THE FEE, AND THEN I UNDERSTAND THAT THE BOARD OF EQUALIZATION IS IN THE PROCESS OF TAKING CARE OF THAT. BUT THERE'S NO QUESTION, LEGALLY, THAT THOSE SITES WOULD BE SUBJECT TO THE IWM FEE.

TRANSFORMATION FACILITIES. TRANSFORMATION

FACILITIES HAVE NOT BEEN, AND ARE NOT SUBJECT, TO THE IWM FEE. AS I SHOWED ON THE SCREEN BEFORE, THE FEE IS RELATED TO DISPOSAL SITES. THERE WAS SOME CONFUSION ABOUT FIVE YEARS AGO BECAUSE SOME OF DIVERSION STATUTES LUMP DIVERSION AND TRANSFORMATION TOGETHER IN TERMS OF HOW THOSE STATUTES ARE PHRASED.

AND, SO A COUPLE OF YEARS AGO THE STATUTE WAS -- OUR STATUTES WERE MODIFIED TO SPECIFY FOR THE PURPOSES OF PART TWO, WHICH ARE THE PLANNING STATUTES, TRANSFORMATION IS INCLUDED IN DISPOSAL. BUT NOT FOR ANY OTHER PARTS.

THAT STILL ENGENDERED SOME CONFUSION, AND SO IN THE CURRENT -- THAT STATUTE WAS REVISED ONE MORE TIME, AND PUBLIC RESOURCES CODE SECTION 40192* CONTAINS THREE DIFFERENT DEFINITIONS OF DISPOSAL, DEPENDING ON THE PURPOSE YOU'RE DEALING WITH.

PART "A"* CONTAINS THE GENERAL DEFINITION OF DISPOSAL, WHICH INCLUDES FINAL DEPOSITION OF SOLID WASTE ONTO LAND, INTO THE ATMOSPHERE, AND INTO THE WATERS OF THE STATE. THAT WAS THE EXISTING STATUTE, AND IT WAS THE DEPOSITION INTO THE ATMOSPHERE LANGUAGE THAT GAVE RISE TO SOME CONFUSION OVER TRANSFORMATION AND TO WHETHER IT WAS A TYPE OF DISPOSAL.

THAT STATUTE ALSO, IN PART "B,"* CONTAINS THE SECOND ITERATION THAT I MENTIONED, WHICH IS FOR THE PURPOSES OF PART TWO, WHICH IS THE PLANNING STATUTES. TRANSFORMATION IS INCLUDED WITHIN DISPOSAL. AND THAT WAS IMPLY A DRAFTING CONVENIENCE, BECAUSE ALTHOUGH THOSE STATUTES REFERENCE DISPOSAL IT BASICALLY CUT OUT A COUPLE OF PAGES WORTH OF STATUTES, BECAUSE EVERY TIME IT SAID DISPOSAL IT WOULD HAVE TO SAY DISPOSAL AND TRANSFORMATION, AND SO THEY'VE, FOR CONVENIENCE PURPOSES, DONE THAT.

*[END OF T-2, SIDE A; SOUNDS LIKE A LOT OF TEXT IS MISSING]

*(INDISC/INAUD) THE RELEVANT PART SPECIFICALLY SAYS THAT FOR THE PURPOSES OF CHAPTER TWO OF PART SEVEN -- AND THIS IS THE PART OF OUR STATUTE THAT DEALS WITH THE IWM FEE, SOLID WASTE DISPOSAL MEANS THE FINAL DEPOSITION OF SOLID WASTE ONTO LAND. AGAIN, TAKING OUT OF THAT DEFINITION "DEPOSITION INTO THE ATMOSPHERE," *(QUOTES?) AND CLARIFYING THAT TRANSFORMATION IS NOT A TYPE OF DISPOSAL FOR THE PURPOSES OF THE FEE.

TRANSFORMATION FACILITIES ARE STILL SUBJECT TO OTHER FEES. PUBLIC RESOURCES CODE SPECIFICALLY ALLOWS LEAS TO CHARGE THE COSTS OF PROCESSING A SOLID WASTE FACILITIES PERMIT. AND ALSO TO CHARGE FOR THE COST OF DOING PERMITTING AND ENFORCEMENT ACTIVITIES AT THOSE FACILITIES. BUT, THEY AREN'T SUBJECT TO THE TIPPING* BASED ON TONNAGE.

AND THAT WAS THE END OF MY PRESENTATION. I DON'T KNOW IF YOU HAD ANY QUESTIONS ABOUT THOSE ISSUES.

CHAIRMAN PENNINGTON: QUESTIONS? SEEMS NOT.

MS. GOODALL: OKAY. TO FINISH UP THE ITEM, I'VE ALSO INCLUDED IN YOUR ITEM, ON PAGE 5-9, SOME INFORMATION ON THE FISCAL IMPACT. THERE ARE SEVERAL CATEGORIES OF WASTE THAT

AREN'T CURRENTLY ASSESSED THE IWM FEE, AND ELIOT TALKED ABOUT A FEW OF THEM IN HIS PRESENTATION.

BUT TO SUMMARIZE, WASTE THAT'S EXPORTED OUT OF STATE, WASTE THAT'S TRANSFORMED, AND ALSO C&D AND INERT WASTE AREN'T CURRENTLY BEING CHARGED THE FEE.

AND THERE'S A LITTLE TABLE THAT I'VE INCLUDED THAT SHOWS THE APPROXIMATE TONS THAT AREN'T BEING SUBJECT TO OUR FEE. FOR WASTE EXPORT, THAT'S APPROXIMATELY 500,000 TONS, FOR WASTE TRANSFORMED IT'S APPROXIMATELY 700,000 TONS, AND FOR THE C&D AND INERT GROUP IT'S ABOUT A MILLION TONS, FOR A TOTAL OF APPROXIMATELY TWO-POINT-TWO *(OR 2.2?) MILLION TONS.

AS YOU HEARD FROM ELIOT, TRANSFORMATION OF SOLID WASTE ISN'T CONSIDERED DISPOSAL, AND ISN'T SUBJECT TO THE BOARD'S FEE, AND STAFF ISN'T RECOMMENDING ANY CHANGE TO THAT BY PURSUING LEGISLATION.

AND CURRENTLY THE BOARD IS DEALING WITH THE C&D AND INERT GROUP THROUGH THE TIERED REGULATION PROCESS. AND THE BULK OF THOSE GROUPS, THE WASTE IN THOSE GROUPS, WILL BE PLACED IN THE APPROPRIATE TIER AND MOST LIKELY WILL BE PAYING THE FEE AT SOME POINT.

THE ONLY OTHER GROUP THAT ISN'T ADDRESSED RIGHT NOW IS WASTE EXPORT.

AND THAT'S ALL I WANTED TO SAY ON THE FISCAL IMPACT. STAFF DOESN'T HAVE A RECOMMENDATION ON THIS ITEM. WE HAVE, HOWEVER, OUTLINED SOME OPTIONS FOR YOU, AND THOSE ARE ON PAGE 5-1.

THE FIRST OPTION IS TO INCLUDE THIS ISSUE THAT -
- THE EQUITY ISSUES RELATED TO THIS INTEGRATED WASTE MANAGEMENT FUND IN OUR 21ST CENTURY POLICY PROJECT ANALYSIS.

AND THE SECOND IS TO DIRECT STAFF TO FURTHER EXAMINE THE IMPACTS OF THE FEE EQUITY ISSUE, AND POSSIBLY TO PROVIDE ADDITIONAL INFORMATION AND OPTIONS AT A FUTURE MEETING.

AND THE THIRD IS TO CONCLUDE DISCUSSION ON THIS ISSUE, AND TO RETAIN CURRENT PRACTICE.

AND I AM AVAILABLE TO ANSWER ANY QUESTIONS YOU MIGHT HAVE.

CHAIRMAN PENNINGTON: OKAY. QUESTIONS? IT WOULD SEEM TO ME THAT -- YES, MR. CHANDLER, DID YOU HAVE SOME -- OH, SORRY, MR. CHANDLER.

MR. CHANDLER: PERHAPS I SHOULD KNOW THE ANSWER TO THIS, BUT I'LL GO AHEAD AND ASK IT ANYWAY. BUT, YOU KNOW, MAUREEN, IT SEEMS TO ME WHEN YOU TALK ABOUT THE BASIS OF THIS BEING AN EQUITY ISSUE, OR AT LEAST PART OF WHAT WE'RE LOOKING AT AS AN EQUITY ISSUE, IN ELIOT'S PRESENTATION HE REFERENCED THAT C&D WASTE, WE ARE ASSESSING A FEE IN SOME INSTANCES. YET WE'VE GOT A MILLION TONS OF C&D WASTE THAT WE ARE CURRENTLY NOT ASSESSING A FEE AGAINST, A WASTE STREAM THAT WE ARE CONSIDERING ONE OF OUR PRIORITY AREAS FOR DIVERSION.

WOULD IT MAKE SENSE FOR US TO HAVE SOME DISCUSSION AS TO WHY WE SHOULD WAIT FOR THE TIERED REGULATIONS TO RESOLVE THIS INEQUITY*?

MS. GOODALL: THE NUMBER I RECEIVED IS FROM THE WASTE CHARACTERIZATION GROUP. AND, CERTAINLY, WE COULD HAVE A DISCUSSION ABOUT HOW WE COULD DO THAT SOONER. MY UNDERSTANDING IS AT THIS POINT THAT THAT WAS WHAT WE WERE WAITING FOR, WAS THE TIER. BUT, YOU KNOW, CERTAINLY THAT'S OPEN.

MR. BLOCK: LET ME GO AHEAD AND CLARIFY, BECAUSE THAT'S PROBABLY MY FAULT THAT I CONFUSED THAT SLIGHTLY. THE QUESTION THAT I WAS DEALING WITH WAS A VERY NARROW QUESTION OF WHETHER A C&D DISPOSAL SITE IS SUBJECT TO THE FEE. AND THERE'S NO QUESTION ABOUT THAT.

THE TONNAGE AMOUNTS THAT MAUREEN IS TALKING ABOUT, AND THAT ARE IN THE AGENDA ITEM, RELATE TO FACILITIES THAT CURRENTLY DO NOT HAVE A PERMIT. THEY'RE OPERATING, AND THERE HAS BEEN SOME QUESTION AS TO WHETHER THEY, IN FACT, ARE DISPOSAL SITES OR NOT. AND WHAT WE'RE DOING WITH THE C&D REGS IS BASICALLY CLARIFYING, THROUGH SOME DEFINITIONS THAT THEY INCLUDE IN THE TIERS, WHAT ARE DISPOSAL SITES AND WHAT AREN'T.

THERE'S BEEN A LOT OF DISCUSSION AND A LOT OF DISPUTE, REALLY, OVER HOW YOU DEFINE WHEN A PARTICULAR SITE BECOMES A DISPOSAL SITE VERSUS WHEN IT'S EITHER A STORAGE SITE OR PERHAPS EVEN A RECYCLING SITE.

AND THAT'S EXACERBATED WITH CONSTRUCTION AND DEMOLITION DEBRIS, WHERE WE HAVE HEARD, FOR INSTANCE, OVER TIME THAT -- FROM C&D RECYCLERS THAT THEY WILL SOMETIMES STORE THAT MATERIAL FOR IN EXCESS OF THREE OR FOUR YEARS. AND SO ONE OF THE THINGS THAT WE'RE DOING WITH THE -- AND THEY'VE USED THAT AS A BASIS FOR SAYING THEY'RE NOT A DISPOSAL SITE AND HAVE OPERATED WITHOUT A PERMIT UP UNTIL THIS POINT IN TIME.

SO, THAT'S ONE OF THE ISSUES THAT THE C&D REGS ARE DESIGNED TO ADDRESS. WE'VE PUT IN SOME DEFINITIONS AND PRESUMPTIONS AS TO HOW TO DRAW THAT LINE. AND, SO THE TONNAGE THAT'S IN THE AGENDA ITEM REALLY REALLY* TO THOSE FACILITIES.

AND SO I SHOULD HAVE PROBABLY REFERENCED THOSE, AND THE DISTINCTION THERE IN MY PRESENTATION.

MR. CHANDLER: *(PRESUMED). SO, ELIOT, WHAT TIME TABLE ARE -- REFRESH MY MEMORY -- ARE WE ON TO ADDRESS THE QUESTION OF WHO'S IN AND WHO'S OUT OF THE PERMIT LOOP ON THESE C&D TYPE FACILITIES AND, THEREFORE, CLARITY AROUND THE WHOLE -- WHETHER YOU PAY A FEE OR NOT FOR THIS TYPE OF MATERIAL?

MR. BLOCK: THE BOARD -- WELL, IT WAS THE COMMITTEE AT THE TIME. THE P&E COMMITTEE APPROVED DRAFT REGULATIONS TO GO OUT TO FORMAL PUBLIC NOTICE, AND I DON'T REMEMBER THE EXACT DATE BUT IT WAS AT LEAST A COUPLE OF MONTHS AGO, ACTUALLY.

THOSE DOCUMENTS HAVE BEEN PULLED TOGETHER AND, ACTUALLY, AT THE MOMENT WE'RE WAITING FOR SIGN-OFF FROM CAL EPA* ON THE FISCAL IMPACT STATEMENT, WHICH IS -- UNDER A CHANGE IN THE LAW LAST YEAR THE FISCAL IMPACT STATEMENT HAS TO BE DONE, AND THE ECONOMIC ANALYSIS HAS TO BE DONE PRIOR TO GOING TO NOTICE RATHER THAN LATER IN THE PROCESS. SO, ONCE WE GET THAT BACK WE'LL BE ABLE TO PUT THESE OUT FOR NOTICE AND

MOVE ALONG.

I KNOW THAT THE DEVELOPMENT OF THOSE REGULATIONS AND THOSE DEFINITIONS WENT THROUGH A NUMBER OF INFORMAL DRAFTS AND WORKSHOPS, AND SO I DON'T -- I HAVEN'T BEEN WORKING THAT DIRECTLY WITH THAT PARTICULAR REG PACKAGE. BUT, MY SENSE IS THAT THEY'RE FAIRLY WELL DEVELOPED AND THAT THERE'S NOT A LOT OF DISPUTE LEFT AT THIS POINT AS TO THE DEFINITIONS THAT ARE IN THERE. SO, ONCE WE GET THE FISCAL IMPACT STATEMENT SIGNED IT COULD MOVE FAIRLY QUICKLY.

MR. CHANDLER: WELL, I THINK THIS IS A VERY IMPORTANT AREA. IT'S A PRIORITY AREA. THERE'S A -- YOU KNOW, WE WANT AN INCENTIVE OUT THERE THAT THIS MATERIAL GETS DIVERTED AND PUT INTO USEFUL -- I THINK IT WOULD BE A NICE INCENTIVE FOR THOSE LEGITIMATE OPERATIONS THAT SHOULD BE BROUGHT UNDER PERMIT TO BE PAYING THE FEE AND, THEREFORE, PERHAPS IT EVEN PROVIDES A GREATER INCENTIVE FOR THE DIVERSION INTO A SECONDARY USE.

SO, I'LL WORK WITH THE AGENCY TO SEE WHAT THE DELAY IS IN GETTING THIS MOVING ALONG. BUT, I APPRECIATE THE CLARIFICATION AND HOPE I DIDN'T COVER GROUND THAT YOU WERE ALREADY FAMILIAR WITH, BECAUSE I HAD FORGOTTEN WHERE WE WERE ON THIS. THANK YOU.

CHAIRMAN PENNINGTON: WE HAVE ONE -- YES, MR. FRAZEE:

MEMBER FRAZEE: I JUST WANTED TO COMMENT ON THIS ITEM. I THINK IT'S IMPORTANT THAT WE MOVE AHEAD WITH SEEING FEE EQUITY. AND I THINK THE FIRST STEP IN THAT IS TO REMOVE FROM OUR VOCABULARY THE TERM "EXPORT FEE," BECAUSE IT'S NOT AN EXPORT FEE, IT'S A FEE, IF YOU WILL, THAT ACCESSES THE PROGRAMS THAT THIS BOARD SPONSORS. AND I THINK WE NEED TO GET THAT ONE -- ELIOT'S NOT LISTENING TO ME HERE.

MR. BLOCK: I'M SORRY. I'M SORRY.

MEMBER FRAZEE: I WAS JUST SAYING THAT WE NEED TO REMOVE THE TERM "EXPORT FEE" FROM OUR WHOLE RANGE OF DISCUSSION ON THIS SUBJECT BECAUSE IT'S NOT AN EXPORT FEE, IT'S A FEE EQUITY ISSUE. AND THE FEE HAS NOTHING TO DO WITH THE ACTUAL PHYSICAL ACT OF EXPORTING WASTE.

BUT, IT IS OF A SIGNIFICANT DIFFERENTIAL TO TRIGGER VARIATIONS IN BIDDING ON DISPOSAL. AND I THINK WE'RE HEARING THAT FROM -- AS THESE RAIL-HAUL PROGRAMS DEVELOP, THAT THE \$1.34 IS SUFFICIENT TO CAUSE DISTORTIONS IN THE ECONOMICS OF THAT. AND SO THAT -- ONE REASON THAT WE NEED TO GET ON WITH THAT, AND BALANCE THAT ONE OUT.

ON THE QUESTION OF C&D, I THINK THAT'S MORE PROBLEMATIC, BECAUSE I JUST WISH US GOOD LUCK ON DEFINING WHAT IS DISPOSAL OF C&D.

I VISITED SITES WHERE THE CLAIM IS -- AND THEY'RE NOT PAYING A FEE, BECAUSE IT'S MINE* RECLAMATION. AND THAT SOUNDS LEGITIMATE. YET, WHAT'S THE DIFFERENCE BETWEEN PUTTING IT IN ONE HOLE IN THE GROUND THAT YOU CALL A WASTE DISPOSAL SITE AND ANOTHER HOLE THAT'S MINE RECLAMATION? SO, I THINK WE HAVE SOME REAL PROBLEMS IN THAT.

AND THEN THE REUSE, WHERE IT DOES -- THE MATERIAL -- PARTICULARLY IN THE CASE OF HIGHWAYS, WHERE THE MATERIAL IS ACCUMULATED, AND THEN IS TOTALLY REUSED, IS IT APPROPRIATE TO COLLECT A FEE IN THAT REGARD? AND I THINK WE'RE GOING TO HAVE SOME DIFFICULT TIMES DECIDING ON THAT ONE.

THE TRANSFORMATION ONE IS EASY. I THINK THERE NEEDS TO BE FEE EQUITY ON THAT ONE BECAUSE WE HAVE JURISDICTIONS THAT ARE PARTICIPATING IN PROGRAMS THAT THIS BOARD FUNDS FROM THE IWM FEE, AND THAT ARE DISPOSING OF ALL OF THEIR WASTE BY TRANSFORMATION AND, THEREFORE, NOT CONTRIBUTING TO IT. AND SO I THINK A GOOD CASE CAN BE MADE IN THAT AREA.

SO, RECOGNIZING IT REQUIRES LEGISLATION, I'D LIKE TO SEE US MOVE AHEAD IN THIS NEXT SESSION OF THE LEGISLATURE WITH PURSUING THAT LEGISLATION. AND I THINK IF WE FORGET ABOUT THE INTERSTATE COMMERCE ISSUE AND THE EXPORT ISSUE, AND COUCH IT IN TERMS OF EQUITY AND FAIRNESS WITHIN THE STATE OF CALIFORNIA, I THINK THAT CAN BE SOLD TO THE LEGISLATURE.

MR. CHANDLER: *(PRESUMED.) WELL, MR. FRAZEE, YOUR RECOMMENDATION WITH REGARD TO TIMING IS PRETTY GOOD, FROM THE STANDPOINT WE ARE CURRENTLY BEING REQUESTED BY CAL EPA TO BEGIN DEVELOPING LEGISLATIVE PROPOSALS FOR THE NEXT LEGISLATIVE SESSION. I THINK THAT CALL'S BEEN OUT.

AND I DON'T KNOW IF WE HAD CONSIDERED THIS A -- YOU KNOW, A 21ST CENTURY ISSUE THAT WE WERE GOING TO POSTPONE ANY LEGISLATIVE ACTION, IF YOU WILL, AT THE STAFF LEVEL TO WAIT AND SEE WHERE WE GO WITH THAT INITIATIVE, AND INCORPORATE THESE CONCEPTS INTO THAT WORK. OR, IF YOU WANT TO SIMPLY DIRECT STAFF TO BEGIN DEVELOPING A DRAFT PROPOSAL FOR UPCOMING SESSION NOW, AND START REFINING IT AND WORKING WITH YOUR OFFICES ON HOW IT READS.

BUT, MAYBE I SHOULD ASK STAFF. DO YOU FEEL THAT THROUGH THE WORKSHOPS AND THE WORK THAT YOU'VE DONE TO DATE YOU WOULD BE IN A POSITION TO BEGIN DRAFTING A DRAFT LEGISLATIVE PROPOSAL FOR THE BOARD'S CONSIDERATION? ARE WE AT THAT STAGE NOW? WOULD THERE BE MORE SHOPPING OF CERTAIN ISSUES THAT YOU FEEL NEED TO BE DONE WITH THE AFFECTED PARTIES?

*FEMALE VOICE: THE INFORMATION WE GOT AT THE WORKSHOP WAS THE MAJORITY OF PEOPLE THERE FELT THAT EVERYBODY SHOULD BE CONTRIBUTING IF THEY'RE GETTING BENEFITS. SO, I DON'T SEE THAT AS BEING A PROBLEM TO GO TO THE TRANSFORMATION AS OPPOSED TO JUST WASTE THAT WAS BEING EXPORTED, IS WHAT WE WERE TALKING ABOUT BEFORE.

AND, CERTAINLY WE COULD START TO PUT TOGETHER SOME LANGUAGE IF THAT'S WHAT THE DIRECTION IS.

CHAIRMAN PENNINGTON: I CERTAINLY WOULD SUPPORT MOVING AHEAD ON IT AT THIS POINT.

*MALE VOICE: WELL, CONSIDERING THE TIMING OF THE LEGISLATIVE SESSION, AND JUST THE FACTS OF LIFE IN THAT PLACE, THAT IT'S GOING TO TAKE TWO YEARS TO ACCOMPLISH THIS, I THINK IT'S IMPERATIVE THAT WE MOVE AHEAD WITH A PLAN AND BEGIN

WORKING ON LEGISLATION, AND THEN SUBMIT THAT ONE FOR APPROVAL.

*MALE VOICE: I AGREE.

*[THE PARTIES SIMULTANEOUSLY SPEAK; MAY NOT BE TOO RELEVANT.]

CHAIRMAN PENNINGTON: YEAH, I THINK --

*MALE VOICE: ALL RIGHT. I'LL TAKE THAT --

CHAIRMAN PENNINGTON: -- A CONSENSUS HERE FOR THAT.

MR. EDGAR* WANTS TO ADDRESS US ON THIS SUBJECT.

MR. EDGAR: MY NAME IS EVAN EDGAR FROM EDGAR ASSOCIATES. GOOD AFTERNOON, BOARD CHAIRMAN AND MEMBERS. I'M HERE ON BEHALF OF THE CALIFORNIA REFUSE REMOVAL COUNCIL. AND IN OUR LAST FEW YEARS YOU CAN CALL ME MR. EQUITY, BECAUSE THAT'S WHAT I'VE BEEN TALKING ABOUT FOR THE LAST FEW YEARS.

WHAT STARTED OUT AS AN EXPORT FEE ISSUE HAS TURNED INTO FEE EQUITY OVER THE LAST FOUR YEARS. AND FOR THE LAST SIX -- I GUESS FOR EVERY SIX MONTHS, WE HAVE HAD WORKSHOPS OR DISCUSSIONS, OR POLICY DISCUSSIONS ABOUT THIS, AND IT'S BEEN A VERY DYNAMIC PROCESS. AND WE NEED TO MOVE BEYOND STATUS QUO.

WE WOULD SUPPORT OPTION ONE, WITH REGARDS TO INCLUDING THE EQUITY ISSUES INTO THE 21ST CENTURY POLICY. WE WOULD SUPPORT OPTION TWO, WITH RESPECT TO DIRECTING STAFF TO FURTHER EXAMINE THE IMPACTS OF FEE EQUITY ISSUES AND PROVIDE ADDITIONAL INFORMATION AND OPTIONS AT FURTHER COMMITTEE MEETINGS TO THE BOARD. WE WOULD NOT SUPPORT OPTION NUMBER THREE, THE STATUS QUO DOES NOT WORK.

WE HAVE A LOT OF CHOICES IN FRONT OF US. THERE ARE THINGS THAT CAN BE DONE ON A LEGISLATIVE FRONT, OTHER THINGS MAY BE ADMINISTRATIVE.

ON A LEGISLATIVE FRONT, KEY ISSUES "A"* AND "F" WERE DISCUSSED. WE WOULD SUPPORT KEY ISSUES "A" AND "F," WHICH IS ABOUT FAIR SHARE. I THINK EVERYBODY IN THE ROOM AGREED UPON WE NEED A* FAIR SHARE, AND THERE ARE THREE DIFFERENT OPTIONS ON HOW THAT FEE TO GET FAIR SHARE WITH REGARDS TO THE EXPORT OF WASTE COULD BE ACHIEVED. AND I BELIEVE THOSE DISCUSSIONS WILL HAPPEN IN *(INDISC/INAUD) ARENA WITH ASSISTANCE BY THE WASTE BOARD, AND WE CAN DISCUSS THOSE NEXT YEAR. SO, I THINK WE WOULD SUPPORT THE CONCEPT OF "A" AND "F" TO CONTINUE THAT DIALOGUE AMONG THOSE THREE OPTIONS.

WITH RESPECT TO C&D DISPOSAL SITES, THAT HAS BEEN A BIG ISSUE FOR US. WE BELIEVE IN FEE EQUITY THERE. I BELIEVE THERE'S ENOUGH DEFINITIONS IN PLACE. WE'VE BEEN THROUGH FOUR WORKSHOPS ON THAT. WE HAVE THE DRAFT REGULATIONS THAT PEOPLE BELIEVE IN. I BELIEVE THAT MINE RECLAMATION IS WELL DEFINED AS CLEAN INERTS THAT HAVE BEEN ENGINEERED *(INDISC/INAUD) PLACE* *(INDISC/INAUD) UNDER THE SMAR* PLAN. I BELIEVE THAT WE HAVE PRETTY GOOD IDES OF WHAT IS DISPOSAL WITH REGARDS TO MINE RECLAMATION, AND WHAT IS C&D *(INDISC/INAUD) IS COMMINGLED AND PUT IN AN INERT *(INDISC/INAUD) C&D LANDFILL.

I BELIEVE THAT WE CAN MOVE AHEAD WITH FEE EQUITY WITH C&D AND MAYBE START 1/1/99, AT A BEGINNING OF A QUARTER,

PAGE

BECAUSE THE BOARD OF EQUALIZATION COLLECTS A FEE ON A QUARTERLY BASIS. I BELIEVE EVERYBODY NEEDS FAIR WARNING BEFORE ANY TYPE OF FEE IS IMPOSED ON THEM. AND MAYBE A START DATE OF JANUARY 1, 1999, OR MARCH 1 -- OR APRIL 1, 1999, OR SOME TIME IN THE FUTURE.

WE HAVE A PRETTY GOOD UNDERSTANDING OF THE DEFINITIONS WITHIN THE DRAFT REGS THAT HAVE GONE TO OAL. I THINK THE OFFICE OF ADMINISTRATIVE LAW WILL BE GETTING THESE REGS PRETTY SOON. AND WE'VE BEEN VERY SUPPORTIVE OF THE DRAFT REGS.

WITH REGARDS TO TRANSFORMATION, CONCEPTUALLY WE HAVE SUPPORT OF FEE EQUITY. I'M GOING TO BRING THAT TO MY STATE EXEC FOR FURTHER DIRECTION.

LAST WEEK I DID HAVE A CHANCE TO TALK TO OUR EXECUTIVE COMMITTEE AT CRC* ABOUT ADMINISTRATIVE FEE EQUITY, ABOUT FAIR SHARE, WITH RESPECT TO KEY ISSUES *"B," "C," "D," "E," AND "G." ALL THOSE ARE ISSUES THAT COULD BE DONE ADMINISTRATIVELY.

AND SOME OF THE THINGS OVER THE LAST FEW YEARS WE'VE TALKED ABOUT, ABOUT FEE EQUITY, WAS PEOPLE NOT PAYING INTO THE INTEGRATED WASTE MANAGEMENT ACCOUNT. IF YOU DON'T PAY INTO THE ACCOUNT YOU DON'T GET LOAN. YOU DON'T GET A LEA GRANT. YOU DON'T GET *(INDISC/INAUD) WASTE GRANTS. YOU DON'T GET AB-2136 MONEY.

BUT, I THINK WE RECOGNIZED, AS MR. FRAZEE HAS POINTED OUT TIME AND TIME AGAIN, THAT YOU GUYS HAVE STATUTORY AUTHORITY ON PUBLIC HEALTH AND SAFETY. THAT THESE JURISDICTIONS NEED THAT HELP. THEY NEED TO HAVE LEA GRANTS, THEY NEED TO HAVE *(INDISC/INAUD; SAME AS LAST INDISC) WASTE GRANTS. THEY NEED AB-2136 MONEY. SO, THAT'S RECOGNIZED. WITH THE *(INDISC/INAUD) LOANS THERE IS AUTHORITY AT THE WASTE BOARD TO PROMOTE AB-939 ACHIEVEMENT. AND THOSE RMDZ* LOANS ARE VERY IMPORTANT.

SO, OVER THE LAST COUPLE YEARS I'VE TALKED ABOUT *(INDISC/INAUD) ALONE AS AN ADMINISTRATIVE FEE EQUITY POLICY.

AND WE TALKED ABOUT HAVING THINGS LIKE MATCHED FUNDING, A POINT SYSTEM, LIMITED ACCESS TO THE FUNDS, OR PARTIAL REIMBURSEMENT.

MAYBE IT'S NOT APPROPRIATE TODAY TO GET INTO THAT, BUT MAYBE IN THE NEXT SIX-MONTH UPDATE THAT'LL BE FURTHER DISCUSSED, FEE EQUITY. MAYBE WE CAN REVISIT SOME OF THOSE THINGS.

SO INSTEAD OF MAKING ANY POINT TODAY ABOUT ANY RECOMMENDATIONS TODAY, I BELIEVE OVER THE NEXT THREE TO SIX MONTHS WE CAN BRING SOME OF THOSE ITEMS BACK AND SEE IF THERE'S ANY VALID POINTS TO THEM WITH REGARDS TO HAVING SOME TYPE OF ADMINISTRATIVE FEE EQUITY AS PART OF ANY GRANTS AND LOANS PROGRAMS. SO, I'D LIKE TO CONTINUE THE DISCUSSION ON THOSE ISSUES.

SO, WE WOULD SUPPORT NUMBER ONE AND TWO, APPRECIATE THE CONTINUED DIALOGUE. IT'S BEEN MOVING QUITE WELL OVER THE LAST FOUR YEARS. WE MADE A LOT OF PROGRESS, AND

I COMMEND STAFF ON THEIR WORK.

THANK YOU FOR THE OPPORTUNITY TO SPEAK TODAY.

CHAIRMAN PENNINGTON: THANK YOU.

ANY QUESTIONS OF EVAN?

*MALE VOICE: JUST A COMMENT THAT, ON THE OTHER SIDE OF THE ISSUE THAT EVAN RAISED, ON *(INDISC/INAUD) GRANT SIDE OF THINGS. I THINK THAT ONE GETS VERY DIFFICULT TO ADMINISTER, BECAUSE IT BOTH CUTS ACROSS JURISDICTIONAL BOUNDARIES, AS IN THE CASE OF NAPA COUNTY, WHERE ALL OF THE WASTE DOES NOT GO BY RAIL, IS NOT EXPORTED, AND THE CITY OF VALLEJO IN SOLANO COUNTY DOES. AND, SO THEN HOW DO YOU MATCH UP THOSE GRANTS AND LOANS WITH THE JURISDICTIONAL BOUNDARIES?

THE OTHER PART OF IT IS MY OWN CITY OF CARLSBAD, WHICH EXPORTED AT ONE TIME, AND SO WOULD HAVE BEEN DECLARED INELIGIBLE, BUT THEN IN THE MATTER OF A WEEK SHIFTED TO DOMESTICATING THEIR DISPOSAL, EXPORTING AS FAR AS GOING TO ORANGE COUNTY, BUT STILL WITHIN THE STATE OF CALIFORNIA. AND SO HOW DO YOU MATCH UP THE GRANT CYCLES WITH THOSE THAT MAY GO IN AND OUT?

SO, I THINK IT'S ONE THAT I HAVE HAD A LOT OF INTEREST IN, BUT IT'S AN ADMINISTRATIVE NIGHTMARE, I BELIEVE.

CHAIRMAN PENNINGTON: OKAY. THANK YOU, MR. FRAZEE.

NOW WE'LL HEAR FROM LARRY SWEETZER.

MR. SWEETZER: LARRY SWEETZER WITH NORCAL WASTE SYSTEMS. I'LL BE REAL BRIEF.

I COMPLETELY SUPPORT EVERYTHING THAT MR. FRAZEE SAID. I THINK ACTUALLY IT MAKES AN EXCELLENT LEGISLATIVE INTENT PREAMBLE FOR ANY LEGISLATION GOING FORWARD. I THINK IT ENCAPSULATED A LOT OF THE ISSUES AND GOT RIGHT TO THE HEART, THAT THIS IS AN INTEGRATED WASTE MANAGEMENT ACCOUNT FEE, IT'S NOT AN EXPORT FEE, IT'S NOT A DISPOSAL FEE, IT IS A FEE FOR A LOT OF THE OTHER SERVICES THE BOARD DOES, AND THAT'S EXACTLY WHAT IT NEEDS TO BE PERCEIVED AS, DESPITE MISINFORMATION.

I THINK THE STAFF HAS REPEATEDLY JUSTIFIED THE USE OF THE FUNDS, WHERE THIS MONEY GOES. I DON'T KNOW WHAT OTHER RESEARCH CAN REALLY BE DONE IN THIS ISSUE.

AND, I THINK THE SOONER YOU ACT PROBABLY WOULD BE BETTER. I DON'T BELIEVE THIS IS JUST A 21ST CENTURY ISSUE.

I THINK IT'S A 20TH CENTURY ISSUE, IT'S AN ISSUE NOW, IT'S HAPPENING RIGHT NOW, IT'S HAPPENED ALREADY IN MANY COMMUNITIES. AND THE SOONER THIS GETS ADDRESSED, I THINK THE BETTER EVERYONE WILL BENEFIT FROM THE PROCESS.

THANK YOU.

CHAIRMAN PENNINGTON: THANK YOU, MR. SWEETZER.

ANY QUESTIONS OF MR. SWEETZER? IF NOT, WE WILL ASK THE STAFF TO GO AHEAD AND START DRAFTING SOME LEGISLATION AND WE'LL FOLLOW *(INDISC/INAUD) --

*MALE VOICE: WHAT I'LL DO IS, EVEN THOUGH IT'S NOT LISTED AS AN OPTION, I THINK WE CAN ASSUME IT'S MAYBE A VARIATION ON NUMBER TWO --

CHAIRMAN PENNINGTON: CORRECT.

*MALE VOICE: -- THAT YOUR DIRECTION WILL BE -- AND

THIS IS A CONSIDERATION ITEM, SO I KNOW YOU'LL BE TAKING A VOTE ON THIS IN A SECOND -- BUT, THAT YOU'RE DIRECTING STAFF TO PURSUE A LEGISLATIVE PROPOSAL TO BEGIN DEVELOPING THESE ISSUES FURTHER FOR YOUR FUTURE CONSIDERATION.

CHAIRMAN PENNINGTON: OKAY.

*MALE VOICE: *(INDISC/INAUD)

CHAIRMAN PENNINGTON: YEAH, I GUESS WE DO.

*MALE VOICE: I WILL MOVE THEN, MR. CHAIRMAN, THAT THIS BOARD DIRECT STAFF TO PROCEED WITH DEVELOPING A LEGISLATIVE PROPOSAL TO MOVE FORWARD THE FEE EQUITY IN THE CASE OF THE IWMA FEE.

*MALE VOICE: I'LL SECOND.

CHAIRMAN PENNINGTON: OKAY. IT'S BEEN MOVED AND SECONDED.

IF THERE'S NO FURTHER DISCUSSION, WILL THE SECRETARY CALL THE ROLL?

THE SECRETARY: BOARD MEMBER EATON?

MEMBER EATON: AYE.

THE SECRETARY: FRAZEE?

MEMBER FRAZEE: AYE.

THE SECRETARY: JONES?

MEMBER JONES: AYE.

THE SECRETARY: CHAIRMAN PENNINGTON?

CHAIRMAN PENNINGTON: AYE.

THE MOTION CARRIES.

WE'LL NOW MOVE TO ITEM NO. 6, CONSIDERATION AND APPROVAL OF CONTRACT CONCEPTS FOR DISCRETIONARY CONSULTING AND PROFESSIONAL SERVICES FOR FISCAL YEAR '98-99.

WE SEEM TO HAVE A LOT OF PEOPLE STILL HERE IN THE AUDIENCE. I WONDER IF WE COULD PUT THIS ITEM OVER AND MOVE ON TO SEVEN, AND GET BACK TO THIS MAYBE LATE THIS AFTERNOON OR TOMORROW, IF THERE'S NO OBJECTION?

*MALE VOICE: FINE WITH ME.

*MALE VOICE: I HAVE NO PROBLEM WITH THAT.

CHAIRMAN PENNINGTON: OKAY. WE'LL MOVE ON TO NUMBER SEVEN, UPDATE ON THE STATUS OF THE INTERAGENCY AGREEMENT WITH THE DEPARTMENT OF FINANCE TO AUDIT THE USED OIL RECYCLING FUND.

AGENDA ITEM NO. 7: UPDATE ON THE STATUS OF THE
INTERAGENCY AGREEMENT WITH THE DEPARTMENT OF
FINANCE TO AUDIT THE USED OIL RECYCLING FUND

MS. FISH: YES, THANK YOU, CHAIRMAN PENNINGTON. I'M KAREN FISH, DEPUTY DIRECTOR OF THE DIVISION OF ADMINISTRATION. MITCH WEISS* IS GOING TO BE PRESENTING THIS ITEM.

MR. WEISS: GOOD AFTERNOON. MY NAME IS MITCH WEISS WITH THE BOARD'S FINANCIAL ASSISTANCE BRANCH. THIS ITEM IS AN UPDATE ON THE STATUS OF THE INTERAGENCY AGREEMENT WITH THE DEPARTMENT OF FINANCE TO AUDIT THE USED OIL RECYCLING FUND.

UNDER THE SCOPE OF THE AGREEMENT THE DEPARTMENT OF FINANCE WILL PERFORM AN AUDIT OF THE PROGRAM FOR THE '94-95, '95-96, AND '96-97 FISCAL YEARS. THAT AUDIT WILL INCLUDE THREE THINGS. THE FIRST IS AN OPINION AS TO THE OVERALL

PRESENTATION OF FAIRNESS, AND FAIRNESS OF THE FINANCIAL STATEMENTS OF THE FUND. THE SECOND WILL BE BASED ON A REVIEW OF THE AUDITS CONDUCTED BY THE BOARD OF EQUALIZATION OF THE FEE PAYERS, PEOPLE PAYING INTO THIS FUND. THE THIRD IS A REVIEW BASED ON THE AUDITS CONDUCTED BY THE BOARD OF THE GRANTEEES RECEIVING MONEY FROM THIS FUND.

BASED ON THE LATTER TWO REVIEWS THE DEPARTMENT OF FINANCE WILL THEN MAKE A DETERMINATION AS TO WHETHER THEY NEED TO CONDUCT AUDITS OF EITHER THE GRANTEEES OR THE FEE PAYERS.

THEY ESTIMATE STARTING THIS IN THE MIDDLE OF SEPTEMBER, AND ANTICIPATE TAKING SIX TO EIGHT MONTHS TO CONDUCT THIS AUDIT.

THAT CONCLUDES MY PRESENTATION. IF THERE ARE ANY QUESTIONS?

CHAIRMAN PENNINGTON: QUESTIONS?

OKAY. THANK YOU VERY MUCH.

AND, WE'LL MOVE ON TO ITEM NUMBER EIGHT, CONSIDERATION OF STATE LEGISLATIONS.

AGENDA ITEM NO. 8: CONSIDERATION OF STATE
LEGISLATION

CHAIRMAN PENNINGTON: NO BILLS TO CONSIDER. I DON'T THINK THERE'S *(INDISC/INAUD) ANYTHING, MR. EATON *(INDISC/INAUD) ON THAT?

IF NOT, WE'LL MOVE ON TO ITEM NO. 9 --

*(AN ASIDE COMMENT, NOT PERTINENT)

-- CONSIDERATION OF STAFF RECOMMENDATIONS ON THE TEHEMA* COUNTY REGIONAL AGENCY AGREEMENT FOR THE CITY OF CORNING, RED BLUFF, TEHEMA, AND THE UNINCORPORATED TEHEMA COUNTY. JUDY FREEDMAN*.

AGENDA ITEM NO. 9: CONSIDERATION OF STAFF
RECOMMENDATIONS ON THE TEHEMA COUNTY REGIONAL
AGENCY AGREEMENT FOR THE CITY OF CORNING,
RED BLUFF, TEHEMA, AND THE UNINCORPORATED
TEHEMA COUNTY

MS. FREEDMAN: GOOD AFTERNOON, CHAIRMAN PENNINGTON, BOARD MEMBERS.

*(COMMENTS RE HIDDEN BEHIND, TALLER SHOES, NOT PERTINENT).

THIS IS A REGIONAL AGENCY AGREEMENT. AS YOU KNOW, THE BOARD IS REQUIRED TO DELIBERATE ON REGIONAL AGENCY WHEN REGIONS ARE FORMED FOR THE PURPOSES OF SHARING DIVERSION, AMONG OTHER THINGS.

REGIONALIZATION IS BENEFICIAL TO ALL PARTIES INVOLVED, IT'S SOMETHING THAT WE'RE PROMOTING, AND THIS IS -- WE HAVE ABOUT A DOZEN REGIONS THROUGHOUT THE STATE, AND WITH MORE COMING.

AND WITH THAT, I'LL TURN THE PRESENTATION OVER TO HEIDI SANBORNE* WITH THE OFFICE OF LOCAL ASSISTANCE.

MS. SANBORNE: THANK YOU, JUDY.

GOOD AFTERNOON, MR. CHAIRMAN AND BOARD MEMBERS. PRC SECTION 40970 STATES THAT IT IS THE

LEGISLATURE'S INTENT THAT ALLOWING CITIES AND COUNTIES TO FORM REGIONAL AGENCIES WILL REDUCE THE COST OF REPORTING AND TRACKING OF DISPOSAL AND DIVERSION PROGRAMS AND WILL INCREASE DIVERSION. IN ORDER TO BECOME A REGIONAL AGENCY JURISDICTIONS MUST ENTER INTO A JOINT POWERS AGREEMENT THAT INCLUDES THE FOLLOWING SIX ITEMS.

FIRST, A LISTING OF THE JPA MEMBERS.

SECOND, A DESCRIPTION OF THE METHOD BY WHICH CIVIL PENALTIES IMPOSED BY THE BOARD WILL BE ALLOCATED AMONGST THE MEMBERS.

THREE IS A DESCRIPTION OF THE CONTINGENCY PLAN WHICH SHOWS HOW EACH MEMBER WILL COMPLY WITH THE PLANNING AND DIVERSION REQUIREMENTS IF THE REGIONAL AGENCY IS DISSOLVED.

FOUR IS THE DESCRIPTION OF THE DUTIES AND RESPONSIBILITIES OF EACH MEMBER TO ACHIEVE THE PLANNING AND DIVERSION REQUIREMENTS.

FIVE IS A DESCRIPTION OF SOURCE REDUCTION, RECYCLING, AND COMPOSTING PROGRAMS TO BE IMPLEMENTED BY THE REGIONAL AGENCY.

AND, SIX IS ANY ADDITIONAL INFORMATION DEEMED NECESSARY BY THE MEMBERS.

AS IDENTIFIED IN THE AGENDA ITEM, THE JPA AGREEMENT HAS MET THE CRITERIA NECESSARY TO DEEM IT A REGIONAL AGENCY AGREEMENT. ADDITIONALLY, THIS AGREEMENT IS INNOVATIVE BECAUSE IT APPORTIONS ANY FUTURE CIVIL PENALTIES AMONG THE MEMBERS BASED ON EACH MEMBER'S CONTRIBUTION TO THE PREVIOUS 12 MONTHS OF DISPOSAL, THEREBY REDUCING THE MEMBER'S LIABILITY IF SOURCE REDUCTION AND DIVERSION PROGRAMS ARE IMPLEMENTED.

THERE ARE SEVERAL BENEFITS OF FORMING A REGIONAL AGENCY. IT REDUCES THE 939 REPORTING REQUIREMENTS, BECAUSE A REGIONAL AGENCY MAY SUBMIT ANNUAL REPORTS, DISPOSAL REPORTS, AND OTHER REPORTING DATA AS ONE ENTITY INSTEAD OF SUBMITTING SEPARATE REPORTS FOR EACH JURISDICTION.

IT INCREASES THE ACCURACY OF SEXUAL NUMBERS BY ELIMINATING THE ALLOCATION PROBLEMS BETWEEN JURISDICTIONS.

AND A REGIONAL AGENCY WILL SAVE THE COUNTY TIME AND MONEY IN BOTH GATHERING THE INFORMATION AND PREPARING THE REPORTS.

REGIONAL AGENCIES HAVE GREATER POPULATIONS WHICH INCREASES THE COST-EFFECTIVENESS OF THE PROGRAMS.

AND, LASTLY, BEING A REGION BRINGS JURISDICTIONS TOGETHER TO WORK TO FIND REGIONAL SOLUTIONS TO THEIR SOLID WASTE PROBLEMS.

TEHEMA EXPANDED AN EXISTING JPA IN JUNE OF THIS YEAR TO BECOME A REGIONAL AGENCY, AND LOOKS FORWARD TO THE BOARD APPROVING IT AS SUCH.

STAFF FIND THAT THE JPA MEETS THE REQUIREMENTS AND RECOMMENDS THAT THE BOARD APPROVES THE TEHEMA JOINT POWERS AUTHORITY AS A REGIONAL AGENCY.

BOB KAHN*, THE TEHEMA COUNTY SOLID WASTE MANAGER IS HERE AND WOULD LIKE TO PRESENT TO YOU THE PROGRAMS THE REGIONAL AGENCY IS WORKING TO IMPLEMENT. BOB STARTED WITH THE

COUNTY JANUARY OF '97, AND SINCE THAT TIME HAS NEGOTIATED NEW LANDFILL OPERATION AND SOLID WASTE AGREEMENTS WITH AN EMPHASIS ON DIVERSION, HAS INSTALLED SCALES AT THE LANDFILL, HE'S COMPLETED THE COUNTY SOLID WASTE INTEGRATED WASTE MANAGEMENT PLAN, AND HAS CREATED ENOUGH TRUST BETWEEN THE JURISDICTIONS THAT THEY FELT COMFORTABLE IN FORMING A REGIONAL AGENCY.

SO, WITH THAT I'D LIKE TO TURN IT OVER TO BOB.
CHAIRMAN PENNINGTON: OKAY. MR. KAHN.

MR. KAHN: GOOD AFTERNOON, CHAIRMAN AND MEMBERS OF THE BOARD. I KNOW YOU'VE GOT A LONG MEETING, AND HEIDI HAS COVERED IT PRETTY MUCH AS WELL AS I COULD, SO I'LL BE BRIEF. I DID SUBMIT A WRITTEN STATEMENT, IT ACTUALLY WAS WHAT I WAS GOING TO SAY, AND I'M GOING TO SHORTEN THAT UP EVEN MORE IN JUST A FEW MINUTES.

BUT, I APPEARED BEFORE THE LOCAL TASK FORCE FOR THE PLANNING COMMITTEE BACK IN FEBRUARY OF '97, AND ASKED FOR TIME TO GET THINGS STRAIGHTENED OUT IN TEHEMA COUNTY AND I THINK WE'VE COME A LONG WAY FROM THAT MEETING, WE DEVELOPED A PLAN AND A TIME LINE, AND WE'VE BASICALLY MET THAT. ONE OF THE GOALS AT THAT TIME WAS TO FORM THIS REGIONAL AGENCY AGREEMENT.

AND I THINK, IN ADDITION TO THAT, WHAT'S BEEN MOST SIGNIFICANT IS THE LANDFILL AND COLLECTIONS AGREEMENTS. THE COUNTY OPERATES A REGIONAL LANDFILL, IT'S THE ONLY ONE WITHIN THE COUNTY. AND I THINK AS PART OF THAT LANDFILL AGREEMENT, CONSTRUCTION OF A MATERIALS RECOVERY FACILITY IS INCLUDED IN THERE, AS WELL AS A REGIONAL COMPOST FACILITY. AND THEY'RE COMING ON LINE, BEING DESIGNED EVEN AS I SPEAK.

AS FAR AS THE COLLECTION AGREEMENTS, IN ALL THE JURISDICTIONS -- THE CITY OF RED BLUFF, THEIR AGREEMENT IS EFFECTIVE NOVEMBER 6 OF '98, SO 1998'S GOING TO BE A VERY GOOD YEAR AS FAR AS DIVERSION GOES. BUT, THOSE AGREEMENTS INCLUDE ALL YOUR BASIC RECYCLING.

IN ADDITION, THEY INCLUDE THE COLLECTION OF PHONE BOOKS AND MAGAZINES AND JUNK MAIL. *(INDISC/INAUD) WELL* FILTERS, LATEX PAINT. SO, IT'S PRETTY EXPANSIVE. WE TRIED TO COVER ALL THE BASES ON ALL YOUR BASIC PROGRAMS.

WE ALSO ARE WORKING TOWARDS, THROUGH A GRANT, PUTTING IN A ABOTS* FACILITY WHICH SHOULD BE INSTALLED IN THE NEXT COUPLE WEEKS. IT'LL BE THE FIRST THAT ACCEPTS ANTIFREEZE AND PAINT WITHIN THE COUNTY ON A REGULAR BASIS.

I THINK ANOTHER SIGNIFICANT THING THAT'S OCCURRED BECAUSE OF THE NEW CONTRACTS IS THAT -- WHEN I STARTED IN JANUARY OF '97, ONLY 44 PERCENT OF THE HOUSEHOLDS WITHIN THE COUNTY WERE RECEIVING SERVICE, THE REST WERE SELF-HAUL. SINCE THEN THE CITY OF CORNING HAS GONE TO MANDATORY SERVICE. ALL OF THE CONTRACTS ARE ON A VARIABLE RATE STRUCTURE, SO THAT IF PEOPLE RECYCLE THEY CAN ACTUALLY PAY LESS NOW THAN THEY USED TO.

SINCE JULY 1ST OF '98, THE COUNTY STARTED THEIR NEW COLLECTIONS AGREEMENT WITH GREEN WASTE OF TEHEMA, IT'S CALLED. THEY BID ON THE CONTRACT ON THE ESTIMATED 5500

CUSTOMERS. WELL, THEY'RE NOW AT 8,000 AND CLIMBING.

*MALE VOICE: WAY TO GO.

MR. KAHN: SO, WE'VE HAD A LOT OF POSITIVE THINGS THAT HAVE OCCURRED.

AND I THINK I'LL JUST LET YOU DIGEST THE WRITTEN REPORT THAT I'VE SUBMITTED. I HAVE A SPECIAL NOTE THERE, BUT I WON'T READ THAT. ANYWAY, THAT'S BASICALLY ALL I HAVE TO SAY. AND I WANT TO THANK STAFF FOR THEIR HELP.

CHAIRMAN PENNINGTON: THANK YOU.

ANY QUESTIONS OF MR. KAHN?

MR. JONES: *(PRESUMED). NO, MR. CHAIR. BUT I DO HAVE A COMMENT THAT'S REALLY -- IT'S RELEVANT ONLY IN THE SENSE THAT AS WE TAKE UP MORE AND MORE OF THESE JPAS --

*(AWKWARD, HE'S EITHER CHANGING TOPICS OR STUTTERING, OR RUN-ON THOUGHTS FOR THE NEXT PARAGRAPH OR SO ???)

-- I THINK IT'S GOOD TO NOTE THAT WITH THE PREVIOUS AGENDA ITEM, WITH REGARD TO THE FEE ISSUE AND THE PARTICIPATION IN PROGRAMS, THAT THE ADVANTAGES OF ORGANIZING A JPA IS SOMETHING THAT NOT ONLY THE 21ST CENTURY SHOULD LOOK AT BECAUSE IT IS A WAY, AS YOU START MOVING AROUND DIVERSION AND SHARING THOSE KINDS OF THINGS, YOU BRING IN THE FEE EQUITY ISSUE. AND STAFF IS BEING TOO MODEST AND IN NOT TRYING TO TELL YOU THAT THEY'RE SEEING A TREND AS THIS IS MOVING MORE AND MORE TOWARDS THIS AS THE LOCAL JURISDICTIONS AND I THINK THAT IS GOING TO BE SOMETHING HOW WE'RE GOING TO HAVE TO LOOK AROUND AND TRY AND SEPARATE THE WHITE HATS FROM, LET'S SAY, THE BLACK HATS IN THE SENSE THAT THESE MECHANISMS I THINK ARE GREAT FOR AREAS SUCH AS TEHEMA AND OTHER PLACES. IN OTHER PLACES THEY MAY JUST BE USED AS A RUSE TO TRY AND MOVE DIVERSION AND NOT GET AROUND IT AND SHARE SOME OF THE KINDS OF THINGS.

AND SO, THEREFORE, AS WE LOOK AT THESE WE HAVE TO LOOK AT THEM BOTH NOT ONLY IN TERMS OF THE LEGISLATION, THAT WE TRY TO TAKE A LOOK AT HOW WE ASSESS MAYBE JUST A GENERAL FEE ON A JPA. WHICH, THEREFORE, SOLVES THE ISSUE OF ELIGIBILITY ON SOME OF THESE PROGRAMS, AS WELL AS THE 21ST CENTURY.

BECAUSE, IF WE'RE DEALING WITH JURISDICTIONS AND NO LONGER LOCAL GOVERNMENTS HOW ARE WE GOING TO PROVIDE THE TECHNICAL ASSISTANCE TO A JPA? AND NORMALLY WE GO OUT TO AN INDIVIDUAL LOCAL JURISDICTION AND WE'D HAVE A WORKSHOP. IT'S GOING TO BE A VERY COMPLICATED MATTER, AND I THINK STAFF HAS BEEN AHEAD OF THE CURVE AND YOU RECOGNIZE IT.

AND SO I JUST THINK THAT IT WOULD BE GOOD TO KEEP NOTING IT AS WE MOVE ALONG, BECAUSE THERE ARE SOME GOOD ADVANTAGES TO IT.

CHAIRMAN PENNINGTON: VERY GOOD. THANK YOU, MR. JONES.

I'LL ENTERTAIN A MOTION.

*MALE VOICE: WELL, I'D LIKE TO MAKE A MOTION THAT WE ADOPT RESOLUTION NO. 98-260, CONSIDERATION OF THE REGIONAL

AGENCY AGREEMENT FOR THE CITIES OF CORNING, RED BLUFF, TEHEMA,
AND THE UNINCORPORATED TEHEMA COUNTY.

*MALE VOICE: I'LL SECOND IT.

CHAIRMAN PENNINGTON: IT'S BEEN MOVED AND SECONDED.

IF THERE'S NO FURTHER DISCUSSION, WILL THE
SECRETARY CALL THE ROLL, PLEASE?

THE SECRETARY: BOARD MEMBER EATON?

MEMBER EATON: AYE.

THE SECRETARY: FRAZEE?

MEMBER FRAZEE: AYE.

THE SECRETARY: JONES?

MEMBER JONES: AYE.

THE SECRETARY: CHAIRMAN PENNINGTON?

CHAIRMAN PENNINGTON: AYE.

THE MOTION CARRIES.

MOVE TO ITEM 12, CONSIDERATION OF A NEW SOLID
WASTE FACILITY PERMIT FOR THE ZANKER* MATERIALS PROCESSING
FACILITY IN SANTA CLARA COUNTY.

AGENDA ITEM NO. 12: CONSIDERATION OF A NEW SOLID
WASTE FACILITY PERMIT FOR THE ZANKER
MATERIALS PROCESSING FACILITY IN SANTA CLARA
COUNTY

MR. WHITEHEILL*: GOOD AFTERNOON, MR. CHAIRMAN,
BOARD MEMBERS. THIS ITEM IS REGARDING CONSIDERATION OF A --
CHAIRMAN PENNINGTON: DO YOU WANT TO GIVE HER YOUR
NAME?

MR. WHITEHEILL: EXCUSE ME. MY NAME IS JOHN
WHITEHEILL, I'M WITH THE PERMITTING AND INSPECTIONS BRANCH.

THIS ITEM IS REGARDING CONSIDERATION OF THE
REVISED SOLID WASTE FACILITY PERMIT FOR THE ZANKER* MATERIAL
PROCESSING FACILITY IN SANTA CLARA COUNTY. THIS FACILITY WILL
BE LOCATED AT THE ACTIVE OWENS CORNING* LANDFILL IN THE CITY
OF SAN JOSE. ZANKER ROAD RESOURCE MANAGEMENT PROPOSES TO
ASSUME OWNERSHIP OF THE SITE AND TO OPERATE THE LANDFILL, IN
ADDITION TO A MATERIAL RECOVERY AND PROCESSING FACILITY.

THE RECOVERY OPERATIONS WILL BE LOCATED IN THE
SOUTHERN 12 ACRES OF THE SITE, AND WILL INCLUDE RECEIPT,
STORAGE, AND PROCESSING OF CONCRETE, ASPHALT, WALL BOARD,
DEMOLITION DEBRIS, WOOD WASTE, AND GLASS.

WASTE THAT CANNOT BE RECYCLED WILL BE LANDFILLED
ON SITE, OR AT ANOTHER APPROVED WASTE DISPOSAL FACILITY. THE
PROPOSED LANDFILL WILL OCCUPY THE 28 ACRES PREVIOUSLY FILLED.

THE MATERIALS TO BE LANDFILLED WILL LIKELY CONSIST OF SUCH
ITEMS AS PVC PIPING, OTHER PLASTIC MATERIALS, LINOLEUM
FLOORING, WIRING, ASPHALT SHINGLES, AND OTHER NON-WOOD ROOFING
MATERIALS.

IN ADDITION, THE SITE WILL CONTINUE TO ACCEPT
THE WASTE FROM THE OWENS-CORNING FIBERGLASS CORPORATION.

THE PERMIT PROHIBITS THE ACCEPTANCE OF ANY
PUTRESSIBLE* GARBAGE, HOUSEHOLD WASTE, YARD WASTE, GREEN
WASTE, FOOD OR RESTAURANT WASTE.

THE LEA HAS SINCE SUBMITTED CLARIFYING AMENDMENTS TO THE PROPOSED PERMIT, WHICH IS ATTACHED TO YOUR AGENDA ITEM. DENNIS FARRIER*, REPRESENTING THE LEA, WILL PRESENT THESE CLARIFYING AMENDMENTS.

MR. FARRIER: GOOD AFTERNOON BOARD CHAIR AND MEMBERS.

WE RECEIVED SOME COMMENTS ON THIS PERMIT SINCE IT WAS SUBMITTED IN A PACKET, AND IN ORDER TO CLARIFY IT FOR ALL THE PARTIES INVOLVED WE SUBMITTED SOME NON-SIGNIFICANT CHANGES. I'LL WALK THROUGH THEM.

UNDER SPECIFICATIONS ON PAGE ONE OF FIVE, WE HAVE THE BOX* MATERIAL RECOVERY FACILITY CHECKED. THAT'S AN ADDITION.

THE ITEM FIVE "C,"* TO CLARIFY THAT IT'S AN OPERATING DAY THAT WE'RE TALKING ABOUT, WE'VE INSERTED "OPERATING DAY."

ALSO UNDER FIVE "C" WE'VE INCLUDED THE DESCRIPTION ANNUAL AVERAGE FOR THEIR PERMITTED AVERAGE TONS DISPOSAL PER DAY.

ON PAGE TWO OF FIVE, UNDER ITEM 14, PROHIBITIONS, WE HAVE ADDED "YARD WASTE" AND "GREEN WASTE" INTO THE TEXT. THAT'S EXPLICITLY PROHIBITED IN THEIR ENVIRONMENTAL DOCUMENT.

UNDER PAGE THREE OF FIVE, UNDER ITEM 16, SELF-MONITORING, WE'VE INCLUDED THAT THE OPERATOR SHALL RECORD ALL COMPLAINTS. PREVIOUSLY IT SAID "ENVIRONMENTAL AND REGULATORY COMPLAINTS."

THESE HAVE BEEN DONE FOR CONSISTENCY WITH OTHER PERMITS WITH OTHER OPERATORS.

THE NEXT CHANGE IS ON PAGE FOUR, ITEM 17, LEA CONDITIONS, ITEM NO. 6. WE'VE INCLUDED PUTRESSIBLE WASTES OR HOUSEHOLD GARBAGE, SINCE THE ENVIRONMENTAL DOCUMENT, AGAIN, AND *(INDISC/INAUD; AND AWKWARD, STUTTERING???) PERMITS LOCAL LAND USE EXCLUDES HOUSEHOLD GARBAGE.

ITEM 17(C)(4)*, WE'VE INCLUDED THE TERM "PEAK" AT THE END OF SENTENCE FOUR, A PEAK OF 350 TONS PER DAY AT THE END OF THE SENTENCE --

*MALE VOICE: COULD YOU HOLD ON JUST HALF A SECOND? BELIEVE IT OR NOT, WE'RE TRYING TO FOLLOW YOU ON THIS.

MR. FARRIER: SURE.

CHAIRMAN PENNINGTON: YOUR NUMBERING AND OURS SEEMS TO BE DIFFERENT.

*MALE VOICE: YEAH, OUR NUMBERS ARE JUST --

*[END OF T-2, SIDE B; SOUNDS LIKE A LOT OF TEXT IS MISSING]

*MALE VOICE: SORRY ABOUT THAT --

*[GENERAL DISCUSSION, TALKING ABOUT MIS-NUMBERING OF PAGES OR PARAGRAPHS, OR....??? AND IT'S PRESUMED IT'S MR. FARRIER SPEAKING AS ANNOTATED BELOW]

MALE VOICE: -- 17 SIX YOU ADDED PUTRICIBLE* AND HOUSEHOLD GARBAGE AS BEING THINGS THAT --

MR. FARRIER: ARE PROHIBITED.

*MALE VOICE: -- ARE PROHIBITED. OKAY.

MR. FARRIER: YEAH.

*MALE VOICE: IS MEDICAL WASTE INCLUDED IN THAT?

MR. FARRIER: YES. THIS IS A NON-SUBTITLE

(INDISC/INAUD) SITE, THEY'RE STRICTLY AN INERT DISPOSAL SITE. AND THE FACILITY IS PRIMARILY A -- FOR LACK OF A BETTER TERM, AN OUTDOOR MURPH. THEY REALLY RECYCLE FROM 50 TO 90 PERCENT OF THE MATERIAL THAT COMES IN, SO THAT THIS IS JUST THE RESIDUAL OF THE INERT MATERIALS AND PROCESSING OF THOSE MATERIALS THAT THEY'RE DISPOSING OF.

*MALE VOICE: AND I'M ASSUMING THE GREEN WASTE THAT YOU EXCLUDED IS BECAUSE IT'S -- GETS DELIVERED TO THE OTHER LOCATION.

MR. FARRIER: CORRECT.

*MALE VOICE: OKAY. ALL RIGHT.

MR. FARRIER: THEY HAVE TWO FACILITIES, WHO THIS COMPANY DOES IN THAT LOCATION. THEY'RE PRIMARILY BOTH OUTDOOR RECYCLING FACILITIES THAT HAVE LANDFILL FUNCTIONS ALSO.

I'LL GO AHEAD FROM 17(C)*, WHICH IS ON PAGE FIVE OF FIVE, 17(C)(9). WE HAVE EXCLUDED THE WORD "YARD WASTE" WHICH WAS INITIALLY INCLUDED IN NUMBER NINE. WE'VE REMOVED THAT. AND THE ITEM NOW READS THAT, *(PRESUMED QUOTATION): "STOCKPILING OF RECYCLABLE MATERIALS SUCH AS CONSTRUCTION, DEMOLITION WASTE, CONCRETE, WOOD, ROOFING MATERIALS, AND HOG FUEL* WILL BE CARRIED OUT IN THE MANNER DESCRIBED IN THE MOST RECENT LEA-APPROVED JTD*." PREVIOUSLY IT HAD THE WORD "YARD WASTE" IN THERE, AND THAT'S IN CONFLICT WITH THEIR ENVIRONMENTAL DOCUMENT AND LAND USE PERMITS.

ARE THERE ANY OTHER -- WOULD YOU LIKE ME TO GO BACK AND GO OVER ANY OF THE OTHER ITEMS?

CHAIRMAN PENNINGTON: I'M FINE, I CAUGHT UP. I DIDN'T SEE THE --

*MALE VOICE: I JUST WANT TO ADD THAT BOARD STAFF AGREE WITH THE LEA'S DETERMINATION THAT THESE CHANGES ARE NOT SUBSTANTIAL, AND THEY DO NOT AFFECT ANY OF THE OTHER BOARD'S FINDINGS THAT WE'VE HAD TO MAKE *(SIC) UP TO THIS POINT.

ALSO, AT THE TIME THAT THE BOARD ITEM WAS PREPARED BOARD STAFF HAD NOT YET VERIFIED THE INTEGRATED WASTE MANAGEMENT PLAN CONFORMANCE OR FINANCIAL ASSURANCE REQUIREMENTS. BUT, SINCE THE BOARD ITEM WENT TO PRINT WE'VE BEEN ABLE TO VERIFY BOTH OF THOSE FINDINGS.

SO, IN CONCLUSION, THE LEA *(INDISC/INAUD) THE LEAD AGENCY HAS COMPLIED WITH THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. THE PROPOSED PERMIT IS CONSISTENT WITH THE STANDARDS ADOPTED BY THE BOARD. THE FACILITY IS IDENTIFIED AND CONSISTENT WITH THE APPROVED INTEGRATED WASTE MANAGEMENT PLAN. AND BOARD AND LEA STAFF HAVE DETERMINED THAT THE DESIGN AND OPERATION IS IN COMPLIANCE WITH STATE MINIMUM STANDARDS FOR SOLID WASTE HANDLING AND DISPOSAL.

IN CONCLUSION, STAFF HAS REVIEWED THE PROPOSED PERMIT AND SUPPORTING DOCUMENTATION AND FOUND THEM TO BE

ACCEPTABLE.

STAFF RECOMMEND THAT THE BOARD ADOPT RESOLUTION NO. 98-249, CONCURRING IN THE ISSUANCE OF SOLID WASTE FACILITY PERMIT 43AN0001*.

DENNIS FARRIER AND RICHARD ARCHDEACON*, REPRESENTING THE LEA, ARE HERE TO ANSWER ANY QUESTIONS. AND I BELIEVE A REPRESENTATIVE OF THE OPERATOR IS ALSO HERE.

CHAIRMAN PENNINGTON: ANY QUESTIONS?

*MALE VOICE: I JUST HAVE ONE. I UNDERSTAND THAT THERE'S A LAW SUIT PENDING, IT'S AN ENVIRONMENTAL EQUITY LAW SUIT IN ALVISO. DOES IT HAVE ANY KIND OF IMPACT, OR WOULD IT HAVE ANY KIND OF EFFECT ON THIS PARTICULAR SITE?

*MALE VOICE: THE ONLY ACTION THAT I'M AWARE OF, THAT TOOK PLACE QUITE SOME TIME AGO, AND I BELIEVE THAT WHEN WE COPIED DOCUMENTS TO THE ATTORNEY FOR THE FILING PARTY THEY WERE NO LONGER CONCERNED. THEY HAD SETTLED THEIR ISSUES WITH THE FACILITY.

CHAIRMAN PENNINGTON: MR. FARRIER?

MR. FARRIER: AS I INDICATED, THAT I VISITED THIS SITE AND THAT ISSUE WAS RAISED AT THE TIME, AND THE OPERATOR INDICATED THAT THEY HAD COME TO A SETTLEMENT WITH THE RESIDENTS AT A SIGNIFICANT MITIGATION, WHICH INCLUDED BUILDING A COMMUNITY CENTER FOR THE RESIDENTS OF ALVISO.

*MALE VOICE: YEAH, THAT'S CORRECT. YEAH, THAT SUIT WAS SETTLED OUT OF COURT.

CHAIRMAN PENNINGTON: MR. JONES?

MEMBER JONES: MR. CHAIRMAN, THIS VERTICAL EXPANSION, THAT MAKES A LOT OF SENSE TO ME. BUT, I DON'T HAVE A RESOLUTION, I DON'T -- OH, YEAH, MAYBE I DO.

CHAIRMAN PENNINGTON: 98-249.

MEMBER JONES: OKAY, 98-249. I WOULD LIKE TO MOVE THAT, REFERRING TO THE ZANKER MATERIAL PROCESSING FACILITY.

CHAIRMAN PENNINGTON: OKAY.

*MALE VOICE: I'LL SECOND.

CHAIRMAN PENNINGTON: OKAY. IT'S BEEN MOVED AND SECONDED TO ADOPT RESOLUTION 98-249.

IF THERE IS NO FURTHER DISCUSSION, WILL THE SECRETARY CALL THE ROLL, PLEASE?

THE SECRETARY: BOARD MEMBER EATON?

MEMBER EATON: AYE.

THE SECRETARY: FRAZEE?

MEMBER FRAZEE: AYE.

THE SECRETARY: JONES?

MEMBER JONES: AYE.

THE SECRETARY: CHAIRMAN PENNINGTON?

CHAIRMAN PENNINGTON: AYE.

THE MOTION CARRIES.

WE'LL MOVE TO ITEM 13, CONSIDERATION OF NEW SITES FOR THE SOLID WASTE DISPOSAL AND CURRENT DISPOSAL SITE CLEANUP PROGRAM, AB-21.36. MARGE RAO*.

AGENDA ITEM NO. 13: CONSIDERATION OF NEW SITES
FOR THE SOLID WASTE DISPOSAL AND CURRENT DISPOSAL

SITE CLEANUP PROGRAM

MS. RAO: GOOD AFTERNOON, CHAIRMAN PENNINGTON AND BOARD MEMBERS. ITEM 13 IS FOR CONSIDERATION OF THREE ILLEGAL DISPOSAL SITES AND TWO BURN DUMPS FOR 2136* CLEANUP PROGRAM FUNDING.

THE THREE ILLEGAL DISPOSAL SITES ARE LOCATED IN *(INDISC/INAUD; SOUNDS LIKE GLEN?), SANTA CLARA, AND SOLANO COUNTY. THEY ARE ALL TYPICAL OF MOST ILLEGAL DISPOSAL SITES.

TWO OF THESE SITES ARE ADJACENT TO RIVERS, AND THESE SITES POSE A THREAT TO PUBLIC HEALTH AND SAFETY IN TERMS OF HOUSEHOLD HAZARDOUS WASTE AND GROUND WATER CONTAMINATION.

THE TWO BURN DUMPS ARE BOTH LOCATED IN SANTA CRUZ COUNTY. ONE OF THEM, THE DAVENPORT* BURN DUMP, IS LOCATED ON UNION PACIFIC RAILROAD LAND. WE HAVE NEGOTIATED AN AGREEMENT WHERE UNION PACIFIC RAILROAD IS WILLING TO TRANSPORT, AT NO COST TO THE BOARD, THE WASTE FROM BOTH THE DAVENPORT AND THE WILDER* RANCH SITES.

THESE TWO SITES POSE A THREAT TO PUBLIC HEALTH AND SAFETY DUE TO THE HIGH LEAD LEVELS IN THE BURN ASH, AND THE ASH IS* *(ASHES) ERODING INTO THE OCEAN AT ONE OF THE SITES, AND ONTO THE BEACH AT ANOTHER SITE --

*[GENERAL DISCUSSION RE CAN THEY HEAR WELL, CHAIR SAYS "VERY FINE" ETC; NOT PERTINENT]

-- WHERE ULTIMATELY IT COULD BE PICKED UP BY THE OCEAN, AND THERE IS A RISK TO THE PEOPLE USING THE BEACH AT BOTH SITES.

THE WASTE, IF IT WERE TRANSPORTED BY THE UNION PACIFIC RAILROAD, WOULD BE DISPOSED OF AT A REDUCED TIPPING FEE TO US IN UTAH, AS COMPARED TO DISPOSAL IN CALIFORNIA. AND SO --

*MALE VOICE: SO WE'RE GOING TO PARTICIPATE IN RAIL HAUL?

MS. RAO: YEAH.

*MALE VOICE: I JUST WANT TO MAKE SURE.

*MALE VOICE: USE THE TRAIN, LOSE OUR PAY.

MS. RAO: TODD HAS WHAT --

*[GENERAL DISCUSSION, NOT PERTINENT]

MS. RAO: TODD HAS WORKED UP SOME FIGURES, WHICH YOU HAVE A COPY OF, THERE WAS A HANDOUT ON THE COST SAVINGS TO US IF WE DO IT THIS WAY.

MR. THALHAMMER*: TODD THALHAMMER, INTEGRATED WASTE MANAGEMENT BOARD. BEFORE YOU, YOU HAVE TWO SHEETS, DOUBLE-SIDED, WASTE REDUCTION HERE.

*FEMALE VOICE: NO.

MR. THALHAMMER: NO? WE DON'T HAVE THE DOUBLE-SIDED? OKAY.

BASICALLY THERE WERE SOME QUESTIONS, CONCERNS, OF WHAT WAS THE TRAINED* COSTS, WHAT WOULD -- IN OTHER WORDS, WHAT WOULD IT COST TO DISPOSE OF THE MATERIAL IN CALIFORNIA VERSUS UTAH. IF YOU TURN TO THE DAVENPORT SHEET --

*MALE VOICE: *(PROBABLY PENNINGTON). BEFORE YOU START, I THINK YOU NEED TO PREFACE THIS BY SAYING THAT THERE

ARE SOME CALIFORNIA-ONLY LEVELS OF MATERIALS, SO THAT PEOPLE UNDERSTAND WHAT WE'RE TALKING ABOUT.

MR. THALHAMMER: RIGHT. I'M GOING TO BREAK THIS DOWN, AND WE'LL GO THROUGH SOME STEPS HERE.

BUT, BASICALLY WHAT WE'RE LOOKING AT IN THE TWO BURN DUMPS IS, WE HAVE A NON-RCRA* HAZARDOUS WASTE. IF THE MATERIAL IS IN CALIFORNIA IT'S DESIGNATED AS A HAZARDOUS WASTE, AND IT'S CLASSIFIED AS A CALIFORNIA HAZARDOUS WASTE. AND THAT'S BASICALLY DUE TO THE LEAD LEVELS THAT -- WHEN WE SAMPLED THE MATERIAL THAT CAME OUT.

SO, WITH THAT SAID, IN CALIFORNIA, I'D HAVE TO SHOP THAT MATERIAL TO KETTLEMAN CLASS ONE*. ALTHOUGH IT IS A NON-RCRA HAZARDOUS WASTE, I'M ALLOWED A DISCOUNTED TIPPING FEE AT KETTLEMAN AT \$60 A TON. AT UTAH IT'S APPROXIMATELY -- IT'S AN ECDC SITE, IT'S A CLASS TWO/THREE*. AND I JUST TALKED TO UP* AND THE NUMBER THAT YOU HAVE THERE, 35 A TON, HAS DROPPED DOWN TO 25 A TON.

*MALE VOICE: COOL.

MR. THALHAMMER: BASICALLY, IF YOU GO THROUGH THAT, YOU WOULD HAVE TRANSPORTATION COSTS IN CALIFORNIA WHERE WE WOULD NOT HAVE ANY TRANSPORTATIONS IF WE USED UNION PACIFIC.

BOTTOM LINE, THE SAVINGS TO US -- YOU CAN READJUST THIS NUMBER -- BASICALLY IS \$134,000 FOR DAVENPORT. AND IF YOU FLIPPED IT OVER TO THE NEXT SIDE, A BOTTOM LINE HERE IS A SAVINGS OF \$80,000. COMBINED, WE'RE OVER \$200,000, WHICH MORE THAN COVERS A CLEANUP OF ONE OF THE SITES. IT'S ALMOST A TWO-FOR-ONE.

I FEEL THAT WE'VE NEGOTIATED WITH THEM IN A REAL GOOD-FAITH EFFORT, THEY'RE GOING TO ASSIST US ON THE OTHER PROJECT AS WELL.

MS. RAO: *(PRESUMED). ACTUALLY, A LITTLE EARLIER A REPRESENTATIVE FROM UNION PACIFIC WAS HERE, BUT HE HAD TO LEAVE BECAUSE WE ENDED UP SO LATE ON THE AGENDA. BUT THEY FEEL REAL COMFORTABLE WITH WORKING WITH US, AND THEY'VE SAID THAT THEY THOUGHT THAT WAS A GOOD DEAL FOR BOTH OF US.

AND, I WANTED TO POINT OUT THAT NO ENFORCEMENT HAS BEEN TAKEN AGAINST THE DAVENPORT PROPERTY BECAUSE WE DON'T HAVE A RESPONSIBLE PARTY. THE WASTE WAS DUMPED THERE BY THE LOCAL FOLKS WHO LIVED IN THE CITY OF DAVENPORT, WHICH IS NO LONGER INCORPORATED.

AND IN ORDER TO BRING THIS SITE TO YOU, AND TO DO ALL OUR HOMEWORK, WE DID A TITLE SEARCH ON THIS PROPERTY BECAUSE IT WASN'T CLEAR WHO OWNED THE PROPERTY TODAY. AND THAT'S HOW WE FOUND OUT UNION PACIFIC OWNED IT. AND THEY WERE JUST AS SURPRISED AS WE WERE, BECAUSE UNTIL WE DID THE TITLE SEARCH THEY DIDN'T KNOW THAT --

*MALE VOICE: WE DID BOUNDARY SURVEYS.

MS. RAO: PARDON?

*MALE VOICE: WE DID BOUNDARY SURVEYS.

MS. RAO: OH, I'M SORRY, WE DID A BOUNDARY SURVEY, I MISSPOKE.

AND, SO IN THAT SENSE WE HAVE -- NO ENFORCEMENT

HAS BEEN DONE AGAINST UNION PACIFIC BECAUSE THEY DIDN'T DO THE DUMPING.

FINALLY, A QUESTION HAS ARISEN ABOUT THE 2136 BUDGET, AND WE HAVE HANDED OUT A SHEET TO YOU EARLIER THAT LOOKS LIKE THIS. AND ALL I WANT TO SAY ABOUT THIS, UNLESS YOU HAVE SOME QUESTIONS, IS THAT THE GRADE NUMBERS ARE THE MONEY THAT IS STILL AVAILABLE FOR USE. AND IT COMES -- I'VE DIVIDED IT INTO OLD MONEY AND INTO NEW MONEY, AND THE NEW MONEY IS PREDICATED ON THIS YEAR'S BUDGET, WHICH I UNDERSTAND THE GOVERNOR HAS SIGNED, SO WE COULD START USING IT NOW.

AND, THAT'S ALL I HAVE TO SAY. ARE THERE ANY QUESTIONS ABOUT THIS ITEM?

CHAIRMAN PENNINGTON: I WOULD SAY THAT IT'S NICE TO BE SENDING SOMETHING TO UTAH SINCE THEY SEND US MOST OF THEIR TIRES.

*MALE VOICE: HERE, HERE.

CHAIRMAN PENNINGTON: DOES THIS MEAN THAT WE HAVE APPROXIMATELY TWO-POINT-FOUR, TWO-POINT-FIVE* MILLION AVAILABLE FOR PROJECTS?

MS. RAO: EXISTING IN CONTRACTS TODAY, I BELIEVE WE HAVE APPROXIMATELY THREE-POINT-FIVE MILLION AVAILABLE FOR PROJECTS.

THEN AT THE VERY BOTTOM OF THIS PIECE OF PAPER, WE HAVE A CONSTRUCTION CONTRACT CONCEPT THAT WAS APPROVED BY THE BOARD LAST MONTH, AND A CONSULTANT CONTRACT CONCEPT. AND SO THAT WILL ADD ANOTHER MILLION FOR CONSTRUCTION, AND THEN A NEW CONSULTING -- ENGINEERING SERVICES CONSULTANT FOR \$825,000. AND IT ALSO LEAVES US \$1.2* MILLION FOR GRANTS AND LOANS, THAT'S JUST SET ASIDE.

CHAIRMAN PENNINGTON: OKAY. THANK YOU.

ANY QUESTIONS? ALL RIGHT.

*MALE VOICE: I JUST HAVE A GENERAL QUESTION ON 2136 THAT I HAD HOPED TO HAVE THE ANSWER TO TODAY. BUT, IS IT TRUE THAT UNDER THE 2136 PROGRAM WE HAVE TO HAVE EVIDENCE THAT THE PROPERTY OWNER HAS BEEN GIVEN AN OPPORTUNITY TO PERFORM A TIMELY REMEDIATION, OR -- IN ORDER TO DO SO? IS THAT A REQUIREMENT?

MS. RAO: IN MOST CASES WE TRY TO HAVE SOME DUE PROCESS DONE. WHETHER WE DO IT OR -- IT'S USUALLY DONE BY THE LOCAL GOVERNMENTS. THE CASE WHERE WE DON'T DO SOME ENFORCEMENT IS IF THE LAND IS OWNED -- THE PROPERTY THAT WE'RE GOING TO WORK ON IS OWNED BY A LOCAL GOVERNMENT, A CITY OR A COUNTY. THEN WE HAVE TRADITIONALLY, IF I CAN USE THAT WORD, "NOT"* DONE ANY ENFORCEMENT AGAINST THE GOVERNMENT.

WE HAVE DONE A FEW PROJECTS WHERE THEY HAD PRIVATE OWNERSHIP OF THE LAND, AND FOR ONE REASON OR ANOTHER WE HAVE NOT DONE ENFORCEMENT. AND USUALLY THAT'S WHEN THEY ARE SUPPLEMENTING OUR MONEY WITH SOMETHING, EITHER A SERVICE OR FUNDS OF THEIRS.

*MALE VOICE: I CAN PROVIDE YOU WITH A QUICK EXAMPLE, NEVADA CITY. THIS SITE WAS OWNED BY A PRIVATE PARTY. WE PERFORMED THE REMEDIATION, IT WAS A BURN DUMP, WE

CAPSULATED* IT. IT WAS AN EXPOSED BURN DUMP AND WE HAD A SEVERE PUBLIC HEALTH AND SAFETY *(SIC). AS SOON AS THE REMEDIATION WAS COMPLETED THE CITY PURCHASED THE LAND FOR \$1.00 AND ARE NOW COMMITTED TO A 30-YEAR POST-CLOSURE MAINTENANCE ON OUR REMEDIATION. SO, WE DID A COMBINED EFFORT.

IN OTHER WORDS, WE DIDN'T PURSUE AGAINST THE PRIVATE OWNER BECAUSE WE HAD RECORDS THAT SHOWED THE CITY OPERATED THAT FACILITY. IT JUST SO HAPPENED THAT, THROUGH DISCLOSURE LAWS IN THE '70S, IT WAS PURCHASED AT A VERY CHEAP PRICE, BUT WE FELT THAT IT WAS BEST SERVED BY THE BOARD TO COMPLETE THAT REMEDIATION.

*MALE VOICE: BUT WHAT ARE THE REQUIREMENTS UNDER THE STATUTE?

MS. RAO: I DON'T HAVE A COPY OF THE STATUTE WITH ME

--

*MALE VOICE: OKAY. WELL, WE CAN DISCUSS IT AT ANOTHER TIME.

I HAD ASKED THE OTHER DAY, AND I WAS HOPING TO MAYBE GET AN ANSWER TO SEE THAT IF WE WERE GOING TO BE CONSISTENT WITH -- AS WE VOTE FOR THIS ITEM.

MR. THALHAMMER: *(PRESUMED). IT'S CONSISTENT WITH OUR POLICIES TO DATE.

MS. RAO: WELL, I THINK IT'S THE CODE, THOUGH, THAT HE'S TALKING ABOUT.

*MALE VOICE: YEAH.

MS. RAO: WE'LL GET BACK TO YOU ON THAT, IF THAT'S ALL RIGHT.

CHAIRMAN PENNINGTON: BUT I'D LIKE TO SEE WHAT OUR POLICIES AND PROCEDURES ARE ON COST RECOVERY ANYWAY. MAYBE WE COULD HAVE AN AGENDA ITEM THAT WOULD *(INDISC/INAUD) --

MS. RAO: *(INDISC/INAUD) PREFER TO TALK TO YOU ABOUT THAT IN CLOSED SESSION. BUT, I WOULD BE HAPPY TO BRING THAT FORWARD IN A CLOSED SESSION ITEM.

CHAIRMAN PENNINGTON: OKAY. THANK YOU.

I ASSUME THAT'S THE SAME ANSWER TO MY QUESTION IN REGARDS TO ABOUT THE *(INDISC/INAUD) AND THE LEWIS* ROAD, ARE WE GOING TO PURSUE COST RECOVERY THERE. YOU'D PROBABLY RATHER TALK ABOUT THAT --

MS. RAO: WELL, I CAN SAY GENERALLY THAT WE PURSUE COST RECOVERY WHEREVER THAT WE THINK THAT THERE IS A RESPONSIBLE PARTY, AND THAT THERE ARE ASSETS TO BE RECOVERED. AND THOSE ARE EITHER ASSETS THAT ARE IN THE LAND ITSELF, OR THAT THE PARTIES HAVE SOME KIND OF ASSETS.

IF IT'S CLEAR TO US AFTER AN ASSET SEARCH THAT THERE'S NO ASSETS TO BE RECOVERED, THEN GENERALLY WE HAVE NOT PURSUED THOSE KINDS OF COST RECOVERIES. SO, WE DO AN ASSET SEARCH FIRST. BUT, I CAN TALK TO YOU MORE ABOUT THAT.

CHAIRMAN PENNINGTON: OKAY. FINE.

OKAY. I THINK -- ARE THERE ANY FURTHER QUESTIONS? IF NOT, I'LL ENTERTAIN A MOTION.

*MALE VOICE: *(INDISC/INAUD) 270 *(INDISC/INAUD).

*MALE VOICE: I'LL SECOND.

CHAIRMAN PENNINGTON: OKAY. IT'S BEEN MOVED AND SECONDED THAT WE ADOPT RESOLUTION 98-270, TO IMPROVE THE CLEANUP OF SITES AS RECOMMENDED BY THE STAFF.

IF THERE'S NO FURTHER DISCUSSION WILL THE SECRETARY CALL THE ROLL?

THE SECRETARY: BOARD MEMBER EATON?

MEMBER EATON: AYE.

THE SECRETARY: FRAZEE?

MEMBER FRAZEE: AYE.

THE SECRETARY: JONES?

MEMBER JONES: AYE.

THE SECRETARY: CHAIRMAN PENNINGTON?

CHAIRMAN PENNINGTON: AYE.

THE MOTION CARRIES.

NOW WE'LL MOVE TO ITEM 14, CONSIDERATION OF THE ADOPTION OF THE NEGATIVE DECLARATION ON THE PROPOSED REGULATIONS FOR TRANSFER PROCESSING OPERATIONS AND FACILITIES, OR APPROVAL TO NOTICE AN ADDITIONAL 15-DAY COMMENT PERIOD FOR THESE REVISIONS. ALLISON?

AGENDA ITEM NO. 14: CONSIDERATION OF THE
ADOPTION OF THE PROPOSED REGULATIONS FOR TRANSFER
PROCESSING OPERATIONS AND FACILITIES, OR APPROVAL
TO NOTICE AN ADDITIONAL 15-DAY COMMENT PERIOD FOR
THESE REVISIONS

MS. REYNOLDS: GOOD AFTERNOON, CHAIRMAN PENNINGTON AND BOARD MEMBERS. I AM ALLISON REYNOLDS OF THE PERMITTING AND ENFORCEMENT DIVISION.

THE PURPOSE OF THIS ITEM IS TO CONSIDER INFORMATION AND DIRECT STAFF IN MODIFYING THE PROPOSED REGULATIONS FOR AN ADDITIONAL 15-DAY COMMENT PERIOD. THE FIRST COMMENT FOR THESE REGULATIONS BEGAN JULY 30TH, 1998 *(SIC), AND ENDED ON MARCH 16TH *(SIC). STAFF NOTICED A SUBSEQUENT 15-DAY COMMENT PERIOD WHICH BEGAN ON JULY 1ST AND ENDED ON JULY 15TH.

SOME OF THE MORE SIGNIFICANT ISSUES SINCE THE LAST COMMITTEE MEETING CENTERED AROUND OVERLAP CONCERNS WITH THE DEPARTMENT OF INDUSTRIAL RELATIONS, DIVISION OF OCCUPATIONAL SAFETY AND HEALTH, LANGUAGE IN THE STATEMENT OF *(INDISC/INAUD) STANDARDS REGARDING ODOR, LITTER AND SANITARY FACILITIES, AND USAGE OF THE TERM "PREVENT" VERSUS "MINIMIZE AND CONTROL."

SINCE THE LAST COMMITTEE MEETING ON THIS REGULATIONS PACKAGE STAFF COMMUNICATED WITH SPECIFIC WORK GROUP MEMBERS CONSISTING OF BOARD STAFF, LEAS AND INDUSTRY REPRESENTATIVES TO DISCUSS SIGNIFICANT ISSUES.

STAFF SENT AN UPDATED DRAFT VERSION OF THE REGULATIONS TO ALL WORK GROUP MEMBERS FOR AN UPDATE ON CHANGES MADE AFTER THE 15-DAY COMMENT PERIOD, AND STAFF MADE CHANGES TO THE DRAFT REGULATIONS TO THE EXTENT POSSIBLE TO ADDRESS AS MANY OF THE CONCERNS EXPRESSED WHILE MAINTAINING APPROPRIATE STANDARDS OF PROCEDURES.

THE MORE IMPORTANT CHANGES TO THE REGULATIONS,

BASED ON COMMENTS RECEIVED, INCLUDE THE ADDITION OF LANGUAGE EXCLUDING TOP-LOADING* IN THE DIRECT TRANSFER FACILITY SECTION, ALLOWING OFF-SITE LOCATIONS OF OPERATING RECORD STORAGE TO PREVENT WEATHER EXPOSURE, THE ADDITION OF LANGUAGE REGARDING EXTREME ACTS OF NATURE TO THE LITTER STANDARD AND DRAINAGE CONTROL STANDARD, THE ADDITION OF LANGUAGE FOR SWEEPING, CLEANING AS POSSIBLE EXAMPLES OF DUST CONTROL METHODS, AND AMENDED LANGUAGE TO *(INDISC/INAUD) BIRD AND ANIMAL CONTROL AMONG OTHER MISCELLANEOUS CLARIFYING CHANGES.

STAFF HAS PROVIDED AN AUGUST 14TH, 1998, VERSION OF THE DRAFT REGULATIONS TO THE BOARD WHICH WILL BE THE VERSION TO RELEASE FOR AN ADDITIONAL 15-DAY COMMENT PERIOD, PENDING ANY CHANGES MADE AT BOARD DIRECTION. COPIES OF THIS DOCUMENT ARE AVAILABLE IN THE BACK OF THE ROOM, WITH THE LATEST AMENDMENTS INDICATED WITH DIAGONAL LINES.

IN CONCLUSION OF MY PORTION OF THE PRESENTATION, STAFF RECOMMEND OPTION NUMBER ONE OF THE AGENDA ITEM TO PROVIDE STAFF WITH GUIDANCE AND DIRECT STAFF TO MODIFY THE PROPOSED REGULATIONS, AND TO NOTICE THE PROPOSED REGULATIONS FOR AN ADDITIONAL 15-DAY PUBLIC REVIEW AND COMMENT PERIOD.

ELIOT BLOCK WILL NOT COVER OVERLAP ISSUES AND THE MEMORANDUM OF UNDERSTANDING WITH THE DIVISION OF OCCUPATIONAL SAFETY AND HEALTH, UNLESS THERE ARE ANY QUESTIONS OF STAFF REGARDING THE MATERIAL I'VE COVERED.

CHAIRMAN PENNINGTON: QUESTIONS OF STAFF?

ELIOT.

MR. BLOCK: OKAY. JUST BRIEFLY -- BECAUSE THIS IS RELATED TO THESE REGULATIONS BUT, OF COURSE, IT'S NOT PART OF THE REGULATIONS THEMSELVES -- I JUST WANTED TO UPDATE YOU ON THE STATUS OF THE MEMORANDUM OF UNDERSTANDING WE'VE BEEN TALKING ABOUT WITH THE DIVISION OF OCCUPATIONAL SAFETY AND HEALTH.

THE DRAFT MEMORANDUM OF UNDERSTANDING AT THIS POINT IN TIME IS CONTAINED IN ATTACHMENT 3 OF YOUR AGENDA ITEM. AND THIS IS ACTUALLY THE FIRST TIME THAT YOU'VE SEEN A DRAFT DOCUMENT, WE'VE BEEN TALKING ABOUT THIS ISSUE IN THE LAST COUPLE OF MEETINGS.

THE DRAFT IN THE AGENDA ITEM -- AND IT BEGINS, I BELIEVE, ON PAGE 14-5 OF THE ITEM -- HAS BEEN THE SUBJECT OF NUMEROUS COMMUNICATIONS BETWEEN WORK GROUP MEMBERS AND A COUPLE OF MEETINGS. THAT WORK GROUP CONSISTS OF REPRESENTATIVES OF DEPARTMENT OF OCCUPATIONAL SAFETY AND HEALTH, THE BOARD, LEAS, AND THE WASTE INDUSTRY.

THE CURRENT DRAFT THAT'S IN YOUR PACKET HAS BEEN REVISED TO ADDRESS ISSUES THAT THEY'VE RAISED, AND THE CONSENSUS OF THAT GROUP -- UNLESS WE HEAR SOMETHING TODAY THAT I'M NOT AWARE OF -- IS THAT THE DRAFT IN YOUR PACKET IS ACCEPTABLE.

VERY BRIEFLY, THAT AGREEMENT CONTAINS ITEMS THAT THE PERMITTING AND ENFORCEMENT COMMITTEE DIRECTED US TO INCLUDE IN THE MOU THE LAST TIME WE HAD A SPECIFIC DISCUSSION ABOUT THIS ITEM. IT CONTAINS THE AGREEMENT OF THE AGENCIES

THAT THE REVISED REGULATIONS DO NOT CONTAIN JURISDICTIONAL OVERLAP. IT CONTAINS A VOLUNTARY REFERRAL PROCESS.

AND THERE'S ALSO SOME OPTIONAL LANGUAGE REGARDING DISPUTE RESOLUTION. WHEN THE COMMITTEE CONSIDERED THAT THE LAST TIME WE WERE DIRECTED TO DRAFT SOME LANGUAGE REGARDING DISPUTE RESOLUTION, BUT NOT NECESSARILY TO INCLUDE IT IN THE MOU. THAT'S ON PAGE THREE OF THE MOU, WHICH IS PAGE 14-7 OF THE ITEM.

I'D SPECIFICALLY LIKE TO CALL OUT, IN TERMS OF THE VOLUNTARY REFERRAL PROCESS, AND MENTION THAT THE DEPARTMENT OF OCCUPATIONAL SAFETY AND HEALTH HAS AGREED TO HANDLE LEA REFERRALS IN THE SAME MANNER THAT THEY HANDLE FORMAL EMPLOYEE COMPLAINTS. THAT IS, THEY MUST RESPOND TO THOSE WITHIN THREE WORKING DAYS IF THEY'RE SERIOUS, AND 14 CALENDAR DAYS OTHERWISE. THEY'VE ALSO AGREED TO NOTIFY THE LEA IN WRITING OF THE ACTION THAT THEY TAKE AFTER RECEIVING THOSE REFERRALS.

IN ADDITION TO THE DRAFT MOU THAT'S BEFORE YOU THERE HAS BEEN SOME OTHER DISCUSSIONS GOING ON, AND I THINK I JUST MENTIONED THIS LAST MONTH WHEN WE HAD A DISCUSSION ABOUT THIS, REGARDING THE POSSIBILITY OF INDIVIDUAL LEAS HAVING SPECIFIC DELEGATIONS JUST TO THEM, EVEN THOUGH WE'RE NOT HAVING A DELEGATION TO ALL LEAS AROUND THE STATE. THOSE DISCUSSIONS ARE ONGOING, AND THEY'RE IN A FAIRLY FORMATIVE PROCESS AT THIS POINT. THERE'S SOME DISCUSSION GOING ON RIGHT NOW ABOUT WHETHER THAT NEEDS TO BE A DELEGATION, OR PERHAPS JUST BE A MORE ELABORATE REFERRAL PROCESS.

WE DID SURVEY LEAS AT THE GRANLEY-BOCHEN* CONFERENCE LAST WEEK. NOT ALL LEAS WERE REPRESENTED AT THAT CONFERENCE. BUT, WE HAD RESPONSES FROM 32 OF THE LEAS, ACTUALLY IN SOME CASES MORE THAN ONE EMPLOYEE OF THE LEA, BUT WE COMBINED THIS TOGETHER. EIGHTEEN OF THOSE 32 INDICATED THAT THEY WERE INTERESTED IN SOME FORM OF DELEGATION, SEVEN SAID MAYBE, AND SEVEN SAID NO. SO, THERE'S AN INDICATION THAT THIS IS OF INTEREST TO A NUMBER OF LEAS SO WE'RE GOING TO CONTINUE TO DEVELOP THIS AND HOPEFULLY COME BACK TO YOU NEXT MONTH WITH SOME ADDITIONAL LANGUAGE ALONG THOSE REGARDS.

AND SO THE PURPOSE, AS I MENTIONED EARLIER, OF THE DISCUSSION TODAY IS JUST TO SIMPLY GIVE YOU A CHANCE TO LOOK AT THAT DRAFT DOCUMENT FOR THE FIRST TIME. AND WE'RE NOT LOOKING FOR FINAL APPROVAL OF THE DRAFT BEFORE YOU, ALTHOUGH WOULD APPRECIATE HAVING SOME DIRECTION OR DISCUSSION ABOUT WHETHER OR NOT WHAT'S BEFORE YOU AT THIS POINT IN TIME IS ACCEPTABLE SO THAT WE KNOW WHETHER WE NEED TO EITHER FINE TUNE SOME OF THIS LANGUAGE, OR WE CAN MOVE ON AND CONTINUE WITH THE OTHER ISSUES THAT I MENTIONED.

AND THAT CONCLUDES MY PRESENTATION ON THE MOU. I DON'T KNOW IF ANYBODY HAD ANY QUESTIONS REGARDING IT.

CHAIRMAN PENNINGTON: QUESTIONS OF ELIOT?

MR. BLOCK: THANK YOU.

CHAIRMAN PENNINGTON: OKAY. THANK YOU, ELIOT.

MR. FRAZEE?

MEMBER FRAZEE: I THINK HE WAS SEEKING SOME COMMENTS, WHETHER WE WANTED ANY FURTHER DIRECTION ON THIS OR NOT. AND SPEAKING FOR MYSELF, I'M WELL SATISFIED WITH THIS.

THE ONLY AREA OF CONCERN I HAVE IS THIS DELEGATION OF AUTHORITY. AND I THINK THERE NEEDS TO BE MORE RESEARCH DONE UNDER THE STATUTORY AUTHORITY TO DO THAT. THAT PUTS LEAS OUT OF THEIR FIELD WHEN THEY'RE ENFORCING OCCUPATIONAL HEALTH AND SAFETY PROVISIONS, AND I JUST WONDER ABOUT THE APPROPRIATENESS OF THAT OR -- AND I KNOW THERE ARE NUMBERS OF THEM WHO ARE REALLY INTERESTED IN DOING THAT, BUT I WONDER ABOUT THE STATUTORY AUTHORITY FOR THEM TO PERFORM IN THAT ROLE.

MR. BLOCK: AND THAT'S THE REASON THAT I DIDN'T INCLUDE LANGUAGE REGARDING THAT *(INDISC/INAUD) AT THIS POINT.

I THINK THAT THERE ARE A NUMBER OF LEAS THAT ARE INTERESTED IN THAT, BUT REALLY UNTIL THEY ACTUALLY SEE THE LANGUAGE THEY'RE NOT GOING TO BE IN A POSITION OF WHAT IT MIGHT HAVE TO LOOK LIKE. THEY'RE NOT NECESSARILY GOING TO BE IN A POSITION WHERE THEY CAN REALLY DECIDE HOW THEY WANT TO PROCEED.

THERE'S BEEN SOME DISCUSSION, AND I THINK EVERYBODY AGREES, INCLUDING THE DEPARTMENT OF OCCUPATIONAL SAFETY AND HEALTH, THAT IF THERE WAS SOME SORT OF DELEGATION - - AND, IN FACT, EVEN IF THERE WAS JUST SOME MORE ELABORATE KIND OF A REFERRAL PROCESS, THAT THERE WOULD NEED TO BE SOME TRAINING BY OCCUPATIONAL SAFETY AND HEALTH OF LEAS, AND WE NEED TO ADDRESS THOSE ISSUES. A NUMBER OF LEAS HAVE RAISED THAT VERY ISSUE EITHER GENERALLY AS A CONCERN, OR AS CITING THAT AS THEIR REASON WHY THEY WERE NOT INTERESTED. IN THE DELEGATION.

SO, IT'S JUST A FAIRLY -- IT'S VERY EASY FOR THIS TO GET VERY DETAILED VERY QUICKLY, AND SO THAT WAS MORE TO KIND OF LET YOU KNOW THAT WE'RE STILL WORKING ON THAT TRACK, BUT WE'RE NOT READY YET.

BUT, THE VERSION OF THE MOU THAT'S BEFORE YOU NOW CONTAINS PROVISIONS TO ADDRESS ALL THE ISSUES YOU DID WANT ADDRESSED. AND, SO I WANTED TO AT LEAST BRING THAT BEFORE YOU SO WE COULD MAKE SURE WE'RE ON TRACK.

AND THAT ACCOMPLISHES THE INITIAL PURPOSE THAT WE WERE DIRECTED TO MOVE FORWARD ON BEFORE. AND I'M DOING THIS IN SOMETHING A TWO-PHASE PROCESS, IF YOU WILL, SO.

*MALE VOICE: IT SEEMS TO ME THAT IF I WERE AN LEA, AND THIS MEMORANDUM OF UNDERSTANDING PROVIDES ACCESS -- THE THREE-DAY REFERRAL IN THE CASE OF A SERIOUS NOTICE, I THINK I'D BE SATISFIED AND NOT BE SEEKING ANY MORE AUTHORITY OR ANY MORE WORK TO DO. I THINK THEY HAVE PLENTY TO DO WITH THEIR CURRENT STATUTORY AUTHORITY, AND TO GO INTO AN ENTIRE NEW FIELD JUST DOESN'T SEEM APPROPRIATE, AND I HOPE WE CAN RESIST THAT ONE.

CHAIRMAN PENNINGTON: OKAY. *(INDISC/INAUD).

*MALE VOICE: YEAH, *(INDISC/INAUD).

MR. BLOCK: ACTUALLY, WHILE I HAVE YOUR ATTENTION, I KNOW THAT I DID REFERENCE IT VERY QUICKLY, THE LANGUAGE THAT'S

IN THE MOU -- AND IT'S PAGE 14-7 OF THE ITEM -- THERE IS SOME OPTIONAL LANGUAGE REGARDING DISPUTE RESOLUTION. AND IT'S OPTIONAL BECAUSE AT THE TIME WE GOT DIRECTION FROM THE COMMITTEE THERE WAS STILL SOME UNCERTAINTY AS TO WHETHER WE WANTED TO INCLUDE LANGUAGE ABOUT DISPUTE RESOLUTION OR NOT. AND I DON'T KNOW IF TODAY YOU WANT TO GIVE ME SOME DIRECTION ON THAT.

THE LANGUAGE ITSELF IS FAIRLY INNOCUOUS, IT SIMPLY SETS UP A QUICK AND EASY PROCEDURE FOR RESOLVING DISPUTES IF THERE ARE ANY. I DRAFTED IT AS SUCH, BECAUSE IT'S PROBABLY THE WAY THAT A DISPUTE RESOLUTION WOULD OCCUR ANYWAY, WHETHER OR NOT WE PUT IT IN THE MOU, SO.

CHAIRMAN PENNINGTON: WHAT PAGE *(INDISC/INAUD) --

MR. BLOCK: I BELIEVE IT WAS --

*MALE VOICE: -- 14-7, RIGHT IN THE MIDDLE.

MR. BLOCK: YEAH.

*[GENERAL DISCUSSION AS TO WHERE THE LANGUAGE IS]

MR. BLOCK: I WANTED TO DRAW YOUR ATTENTION TO IT JUST -- IF THE BOARD IS PREPARED TO GIVE US SOME DIRECTION ON THAT NOW, THAT'S FINE. IF NOT, WE WILL EVENTUALLY NEED DIRECTION I THINK WHEN WE COME BACK TO HAVE THIS APPROVED, HOPEFULLY NEXT MONTH. AND, SO I JUST WANTED TO MAKE SURE YOU SAW THAT LANGUAGE BECAUSE RIGHT NOW IT'S STILL LABELED AS BEING OPTIONAL.

*MALE VOICE: THIS DOESN'T PROVIDE FOR A THIRD PARTY TO RESOLVE THE DISPUTES, IT JUST STATES THAT IT'S A REFERRAL OF A MEMBER FROM EACH AGENCY? AND HOW DO THEY RESOLVE THE DISPUTE WITHOUT A THIRD-PARTY MEDIATOR?

MR. BLOCK: WELL, NO, IT DOES NOT INCLUDE -- IT'S BASICALLY JUST A PROCEDURE FOR HOW TO GET THE TWO AGENCIES TOGETHER TO TRY TO HAVE SOME DISCUSSION TO RESOLVE IT.

WE'RE ASSUMING THAT IT'S -- LET ME REPHRASE THAT, I'M ASSUMING THAT FOR THE MOST PART WE'RE TALKING ABOUT JURISDICTIONAL ISSUES, AND THAT THE IDEA WAS JUST TO HAVE SOME PROCESS TO GET THIS TO DECISION-MAKERS, IF YOU WILL, OF THE TWO AGENCIES.

*MALE VOICE: WELL, JUST TO MOVE IT UP THE CHAIN OF COMMAND A BIT --

MR. BLOCK: RIGHT. AS OPPOSED TO LETTING IT STEW, FOR LACK OF A BETTER WORD.

*MALE VOICE: YEAH. ALL RIGHT. OKAY. I CAN SEE WHERE YOU *(INDISC/INAUD).

MR. BLOCK: AND SO, AGAIN, WE DON'T NEED DIRECTION ON THAT SPECIFICALLY TODAY, BUT IF -- I DID WANT TO DRAW YOUR ATTENTION TO IT BECAUSE WE WILL AT SOME POINT IN TIME, WHEN YOU'RE READY TO APPROVE THIS, NEED A DETERMINATION ON THAT.

CHAIRMAN PENNINGTON: OKAY. VERY GOOD. WE HAVE SOME PEOPLE IN THE AUDIENCE, ROB BRENHEIMER*.

MR. BRENHEIMER: GOOD DAY, MR. CHAIRMAN, BOARD MEMBERS, ROB BRENHEIMER WITH FERGUSON & BRENHEIMER REPRESENTING AGENCY DISPOSAL. I DON'T HAVE ANYTHING AS SCINTILLATING TO DISCUSS AS THE MOU, JUST THE DIRECT TRANSFER

LANGUAGE IN THE DRAFT PACKET.

IN MY DISCUSSIONS WITH VARIOUS INTERESTS I UNDERSTAND THAT THERE IS NO OPPOSITION TO ANY OF THE LANGUAGE IN DIRECT TRANSFER ANYMORE. I HAD A CONVERSATION, A LONG CONVERSATION, WITH JOHN CUPS YESTERDAY AND WE WORKED OUT, I THINK, WHAT *(INDISC/INAUD) CONCERNS WERE TO THE LANGUAGE, AND THEY'D LIKE TO SEE THIS GET THROUGH AND SEE HOW IT WORKS.

AGAIN, WE DO HAVE FULL SUPPORT OF CALIFORNIA REFUSE REMOVAL COUNCIL, AND EVAN EDGAR HAS WORKED VERY HARD TO GET THIS LANGUAGE TO WHERE IT IS. I DID SPEAK WITH CHUCK WHITE, WHO COULDN'T STAY THIS AFTERNOON, WASTE MANAGEMENT IS IN SUPPORT OF THE LANGUAGE, AND BFI, MARK LEARY*, HAS INDICATED THEY'RE IN SUPPORT OF THE LANGUAGE. RICK BEST AT CAW HAS TOLD ME THAT THEY'RE IN SUPPORT OF THE LANGUAGE. AND I DON'T KNOW OF ANY OPPOSITION RIGHT NOW. I DO KNOW THAT NORCAL IS TAKING NO POSITION ON IT, THEY'RE NOT OPPOSING IT, EITHER.

AND I THINK STAFF'S DONE A GOOD JOB. AND I KNOW, BOARD MEMBER JONES, YOU'VE PUT A LOT OF TIME INTO DRAFTING SOME OF THE FINER POINTS OF THE LANGUAGE, OR HAVING SUGGESTIONS TO STAFF THAT HAVE -- HAVE HAD SUGGESTIONS AT SOME OF THE PRIOR MEETINGS THAT HAVE LED TO SOME OF THE LANGUAGE.

AND WE'D CERTAINLY LIKE TO SEE THAT GO FORWARD AND SEE HOW THAT CAN OPERATE, AT LEAST GIVE IT A CHANCE TO OPERATE IN CALIFORNIA AND, YOU KNOW, TAKE A LOOK AT IT LATER IF THERE ARE ANY PROBLEMS THAT DEVELOP. THANK YOU.

CHAIRMAN PENNINGTON: OKAY. ANY QUESTIONS?

MEMBER FRAZEE: MR. CHAIRMAN, CAN I OFFER --

CHAIRMAN PENNINGTON: MR. FRAZEE?

MEMBER FRAZEE: -- MY OWN *(OR OLD) LEGISLATIVE ADMONITION? DO YOU WANT TO TALK OR DO YOU WANT YOUR BILL OUT?

*MALE VOICE: THAT'S IT, YEAH.

CHAIRMAN PENNINGTON: OKAY. VERY GOOD.

MR. BRENHEIMER: THANKS.

CHAIRMAN PENNINGTON: THANK YOU.

OKAY. NEXT IS CATHY POINTESS*.

MS. POINTESS: TO NEW MEMBERS, MY NAME IS CATHY POINTESS, I'M WITH THE FLANAGAN* LAW FIRM, AND WE REPRESENT ISRI*.

WE WOULD JUST LIKE TO THANK STAFF AND THE BOARD FOR ALL THE WORK THEY'VE PUT INTO THIS REGULATION PACKAGE. AND WE WOULD LIKE TO SEE IT GO FURTHER. THANK YOU.

CHAIRMAN PENNINGTON: THANK YOU. ANY QUESTIONS?

*MALE VOICE: JUST A QUICK COMMENT. I THINK THERE WAS A LOT OF WORK BY YOUR LEAD, MR. FLANAGAN, THAT HELPED BRING THIS TOGETHER.

MS. POINTESS: THANK YOU.

*MALE VOICE: THAT, I THINK, NEEDS TO BE RECOGNIZED. THAT WHEN BOTH PARTIES WERE SO FAR APART, WHEN THEY SAT DOWN AND TALKED AND FIGURED OUT WHERE THE PROBLEM WAS THEY SAID, YOU'RE RIGHT, THAT IS A PROBLEM FOR BOTH OF US. AND THAT --

MS. POINTESS: EXACTLY.

*MALE VOICE: -- IS THE WAY THESE THINGS HAVE TO WORK, THAT'S WHY WE GO THROUGH THIS PROCESS. BUT MR. FLANAGAN NEEDS TO KNOW HE WAS -- HE HAD A LOT TO DO WITH HOW WE MOVED THIS THING ALONG.

MS. POINTESS: I'LL LET HIM KNOW. THANK YOU.

CHAIRMAN PENNINGTON: OKAY. PANDY LEACHMAN*.

MS. LEACHMAN: GOOD AFTERNOON, MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE. I'M PANDY LEACHMAN, I REPRESENT THE ASSOCIATION OF CALIFORNIA RECYCLING INDUSTRIES, ACRI, AND HERE ARE MY BRIEF COMMENTS, AFTER THESE MANY, MANY LONG YEARS.

THE REGULATIONS ARE CLEAR AND COMPREHENSIBLE. WE FEEL THE REGULATIONS ARE VERY FAIR AND REFLECT A LEVEL OF OVERSIGHT THAT IS APPROPRIATE AND IS BASED ON A FACILITY'S ACTIVITIES. THERE IS NO "HUH"* FACTOR, YOU DON'T HAVE TO READ SOMETHING TWICE TO GET IT. AND I APPRECIATED THAT BECAUSE I FELT, IN READING THROUGH IT YOU JUST GET IT AND YOU CAN MOVE FORWARD.

THE BURNING QUESTION FROM THE BEGINNING ON THIS WAS WHO IS IN AND WHO IS OUT. IT WAS CLEARLY ANSWERED, AND THE ANSWER WAS REITERATED IN A CHART WHICH IS ALSO VERY GOOD.

THE STAFF HAS BEEN TERRIFIC. THEY WERE DIPLOMATIC AND VERY PROFESSIONAL WHEN THINGS GOT TENSE AND THEY ALWAYS KEPT THEIR SENSE OF HUMOR, WHICH MADE THE MEETINGS REALLY MOVE FORWARD.

I FELT THAT THE REGULATIONS SHOWED THAT STAFF REALLY READ OUR COMMENTS, ALL THE IMPACTED STAKEHOLDERS' COMMENTS, AND THEN MADE GENUINE EFFORTS TO EFFECTIVELY UTILIZE THOSE COMMENTS. THE REVISIONS AS WE RECEIVED THEM SHOWED THAT CHANGES WERE REFLECTIVE OF OUR INPUT.

I SINCERELY COMMEND AND APPLAUD ALL OF THEIR HARD WORK, PARTICULARLY ELIOT BLOCK, ALLISON REYNOLDS, SUE HAPPERSBERGER*, AND DOROTHY RICE.

ANY QUESTIONS? THANKS.

CHAIRMAN PENNINGTON: QUESTIONS?

SEE, AND I PROMISED YOU YOU DIDN'T HAVE TO SLEEP IN YOUR CAR TONIGHT.

LARRY SWEETZER.

MR. SWEETZER: ONE MORE TIME, LARRY SWEETZER, DIRECTOR OF REGULATORY AFFAIRS, NORCAL WASTE SYSTEMS. AND THIS IS A LITTLE BIT EASIER ONE THAN THE REST TODAY.

I BELIEVE WE'RE PRETTY CLOSE. THERE'S A FEW OTHER ISSUES THAT THOSE OF US THAT HAVE TO LIVE WITH REGULATIONS AND LIVE UNDER PERMITS HAD -- I HAVE A FEW QUESTIONS ON. I'VE TALKED WITH STAFF A LITTLE BIT AND THOSE -- PARTICULARLY A COUPLE OF OPERATING STANDARDS.

THE ONE ISSUE ON DIRECT TRANSFER, WE HAVE NOT AGREED ON THAT LANGUAGE, BUT WE'RE NOT OPPOSING IT EITHER. IF THE BOARD IS COMFORTABLE WITH THE ACTIVITIES THERE, AND THE CONSTRAINTS IN WHICH THEY OPERATE, I'M SURE IF THERE'S ANY CONCERN THAT YOU HAVE YOU'LL WATCH WHAT GOES ON. BUT AT THIS POINT WE'RE NOT -- WE'RE TAKING A NEUTRAL POSITION ON THAT ACTIVITY.

THE ISSUES IN QUESTION DEALT WITH THE NOISE, THE NUISANCE, AND THE PARKING. AND IT'S THE ISSUE I RAISED BEFORE, IN JUST IN TERMS OF HOW THEY MAY CONFLICT WITH LOCAL REQUIREMENTS. AND THERE IS PROVISIONS UNDER ANOTHER SECTION, UNDER THE VISUAL SCREENING, THAT DOES TALK ABOUT IF THERE ARE LOCAL ISSUES, *(INDISC/INAUD) LOCAL STANDARDS, USE PERMIT OR CEQA ISSUES THAT ARE OUT THERE, THOSE WOULD BE SUFFICIENT.

MANY FACILITIES -- NOT ALL OF THEM -- HAVE ORDINANCES DEALING WITH NOISE, NUISANCE, PARKING. I THINK WE DESERVE *(OBSERVE) THAT SAME KIND OF WEIGHT, OTHERWISE WE MAY RUN INTO SOME CONFLICTS.

THE OTHER IS THE *(INDISC/INAUD) ON THE SANITARY FACILITIES. IT SEEMS LIKE THERE'S AN ISSUE THERE WITH THE PROBLEM WE HAVE IN THAT -- AND IT'S 17409.3* -- IT SAYS -- AND IT'S ON PAGE 29 OF THE COPY I HAVE.

*MALE VOICE: POINT-THREE OR POINT-TWO?

MR. SWEETZER: POINT-TWO, SORRY.

*(PRESUMED QUOTATION): "THE OPERATOR SHALL MAINTAIN ALL SANITARY AND HAND-WASHING FACILITIES THAT ARE PURSUANT TO APPLICABLE STATE AND LOCAL REQUIREMENTS IN A CLEAN AND ADEQUATELY-SUPPLIED CONDITION."

THAT READS TO ME THAT YOU'RE JUST TELLING US WE HAVE TO ABIDE BY SOMEBODY ELSE'S REQUIREMENTS. SO THERE'S A POTENTIAL THAT WE COULD GET A DOUBLE VIOLATION ON AN ISSUE LIKE THAT, ONCE FROM THE OTHER STANDARD AS WELL AS UNDER THIS. AND THOSE ARE QUESTIONS THAT HAPPEN OUT THERE.

THE LAST ISSUE IS DEALING WITH THE VISUAL SCREENING. AND MAYBE IT'S MY SCIENTIFIC BACKGROUND AND NOT MY ARTISTIC BACKGROUND, I DIDN'T DO TOO WELL -- I STILL DO NOT UNDERSTAND WHAT OUR -- WHAT AESTHETICALLY ACCEPTABLE APPEARANCE MEANS IN TERMS OF GARBAGE.

ALONG WITH MR. JONES, SIDE-BY-SIDE SOMETIMES, WE WALKED THROUGH IT, PLAYED WITH IT, AND ALL KINDS OF THOSE THINGS. WE FIND THAT ACCEPTABLE --

*[THE PARTIES SIMULTANEOUSLY SPEAK.]

MEMBER JONES: -- AS IT IS TO ME.

MR. SWEETZER: I HAVE DIFFICULTY TRYING TO UNDERSTAND HOW WE CAN HAVE A DISCUSSION WITH AN LEA WHETHER A PILE OF GARBAGE SITTING THERE IS AESTHETICALLY ACCEPTABLE. I WOULD DEFINITELY SEEK SOME CLARIFICATION FOR OUR PART, ON THOSE OF US OPERATING FACILITIES.

THE LAST ISSUE ITSELF IS NOT A STANDARD, BUT IT'S THE MOU ISSUE. AS I GUESS THE ONLY INDUSTRY REPRESENTED IN SOME OF THOSE MEETINGS, I THINK THE PROCESS HAS WORKED OUT WITH THAT MOU. WE WERE LEERY AT FIRST. I'M COMFORTABLE WITH IT AT THIS POINT, AT WHAT YOU HAVE IN HERE.

I STILL CANNOT UNDERSTAND WHERE ANY LEAS WOULD WANT TO GO BEYOND THAT, PARTICULARLY GIVEN WHAT CAL OSHA HAS -- STATEMENTS THEY HAVE MADE IN SOME OF THESE MEETINGS ON THE POSITION WHERE THEY'RE GOING TO BE ENFORCING THESE STANDARDS, AND ALL THE LEAS WOULD BE DOING IS REFERRAL. I DON'T KNOW HOW YOU'RE GOING TO BE ABLE TO GO BEYOND THAT.

AND I THINK WHAT THE REFERRAL IS, IS BENEFICIAL. I THINK WHAT THIS MOU DOES, DOES PROVIDE A LOT OF CLARITY AND ADDRESSES A LOT OF LEA CONCERNS ON WHAT WAS HAPPENING WITH THINGS GETTING TAKEN AWAY FROM THEM. IT GIVES A PROCESS AND IT PUTS IT ON THE HIGHEST STANDARD OF OSHA, WHERE LEA CONCERNS WILL HAVE THE SAME STATUS AS AN EMPLOYEE COMPLAINT. AND IF YOU'VE EVER BEEN THROUGH AN OSHA INSPECTION THAT'S PRETTY GOOD. THEY HAVE GAINED A LOT BY THAT STANDARD WHICH THEY DID NOT HAVE.

AND THERE'S PROVISIONS IN THE MOU THAT HELP US A LOT IN OPERATIONS, WHEN WE GET INTO THOSE DISPUTES WITH OPERATORS, THAT TELL US BLANKETLY* WE CAN HOLD UP SOMETHING IN WRITING THAT SAYS WASTE BOARD AND OSHA AGREE THAT THESE ARE ISSUES THAT ARE THEIRS OR THESE ARE ISSUES THAT ARE OSHA'S. IT SAYS THAT IN THERE, IT REFERENCES THE SECTIONS IN LAW. SO, THAT REALLY HELPS.

AND I DO HAVE A REQUEST ON THE TRAINING ISSUES. AND BY ALL MEANS, I THINK THE LEAS DO NEED ADEQUATE TRAINING. I DO NOT WANT TO SEE LEAS PUTTING THE BLINDERS ON WHEN SOMETHING HAPPENS OUT THERE. BY ALL MEANS, LET US KNOW IF SOMETHING GOES ON.

BUT THEY NEED TO UNDERSTAND WHAT THE RULES ARE ON CAL OSHA. THEY'RE FAR DIFFERENT, THEY'RE FAR MORE PRESCRIPTIVE-BASED STANDARDS THAN WHAT WE HAVE UNDER THESE STANDARDS. THEY NEED TO KNOW WHAT 85 DECIBELS MEANS. THEY NEED TO KNOW WHAT THOSE STANDARDS ARE.

AND WE WOULD APPRECIATE, FROM AN OPERATOR'S PERSPECTIVE, THAT WHATEVER YOU PROVIDE THEM AS TRAINING YOU CAN GIVE US THAT INFORMATION AS WELL. MAYBE NOT NECESSARILY ON THE TRAINING, BUT AT LEAST THE SAME INFORMATION THAT THEY'RE RECEIVING.

AND AS FAR AS THE DISPUTE MECHANISM, WE'RE COMFORTABLE WITH WHAT'S IN THERE. THAT'S A DISPUTE BETWEEN THE PARTIES ON THE AGREEMENT. WE FEEL THAT IF THERE'S AN ISSUE OR A DISPUTE ON AN ITEM, OF A STANDARD OF SOME SORT, IT'S EITHER A WASTE BOARD OR AN OSHA ISSUE. BOTH OF YOU HAVE PROCESSES IN PLACE THAT ADDRESS DISPUTES FOR THOSE OF US OPERATING FACILITIES, AND WE'RE COMFORTABLE WITH THAT ARRANGEMENT.

AND I HAVE A LAST PICTURE, COURTESY OF MR. BERNHEIMER. I FEEL VINDICATED AFTER ALL THESE YEARS OF STATEMENTS I'VE MADE AND ALLEGATIONS RELATED TO TYPES OF FACILITIES AND THINGS. A PILE OF GARBAGE, PILE OF RECYCLABLES, YOU MAKE UP YOUR MIND, YOUR REGULATIONS WILL DEFINE THAT.

*[TAPE GOES DEAD, DON'T KNOW WHAT'S LOST]

-- MY BANANA PEEL. IT EXISTS.

*MALE VOICE: YES, IT DOES.

MR. SWEETZER: THANK YOU VERY MUCH.

CHAIRMAN PENNINGTON: ARE THERE ANY QUESTIONS OF MR. SWEETZER?

IF NOT, WE'LL HEAR FROM MIKE MUHAUSER*.

MR. MUHAUSER: MR. CHAIRMAN, MEMBERS OF THE BOARD, MY NAME IS MIKE MUHAUSER, I'M WITH THE LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS.

PREVIOUSLY I SUBMITTED OUR BOARD OF SUPERVISOR MOTION IN SUPPORT OF DIRECT TRANSFER. THERE WAS ANOTHER LETTER WE SUBMITTED LAST JUNE, AGAIN IN SUPPORT OF THE REVISED DRAFT REGULATION *(INDISC/INAUD) DIRECT TRANSFER. AND TODAY I'M REEMPHASIZING AGAIN THAT WE ARE STILL SUPPORTING THE 8/14/98 DRAFT REGULATION FOR DIRECT TRANSFER.

THANK YOU VERY MUCH.

CHAIRMAN PENNINGTON: THANK YOU.

ARE THERE ANY QUESTIONS?

MEMBER JONES: I JUST HOPE WE DON'T HAVE DIRECT TRANSFERS ALL OVER LA COUNTY THAT ARE OWNED BY THE --

MR. MUHAUSER: BUT IT IS A SERIOUS PROBLEM, MR. JONES, AS YOU KNOW. *(INDISC/INAUD) ASSIST TO HANDLE WHAT CAN'T BE REDUCED.

MEMBER JONES: A HUNDRED AND FIFTY TONS.

MR. MUHAUSER: THAT IS CORRECT.

MEMBER JONES: OKAY.

CHAIRMAN PENNINGTON: OKAY. THAT COMPLETES PUBLIC COMMENT.

*MALE VOICE: MR. CHAIRMAN?

CHAIRMAN PENNINGTON: YES, *(INDISC/INAUD).

*MALE VOICE: I JUST HAVE TWO OR THREE VERY SMALL ISSUES THAT I JUST WANT TO BRING OUT, BECAUSE YOU'VE GOT TO GO FOR ANOTHER 15 DAYS, JUST SOMETHING TO THINK ABOUT.

ON PAGE 24 OF THE REGS, SECTION 17407-4 *(SAYS DASH BUT SOMEWHERE ABOVE A FEMALE SAID POINT??) WHERE WE TALK ABOUT DUST CONTROL, IS THERE ANY VALUE UNDER -- I GUESS IT WOULD BE LINE 30, IS THERE ANY VALUE TO ADDING THE WORD "UNNECESSARY" IN FRONT OF "HANDLING?"

*(PRESUMED QUOTATION): "SHALL MINIMIZE THE HANDLING OF WASTE DURING PROCESSING TO PREVENT THE CREATION OF DUST" COULD CREATE A PROBLEM WHEN YOU'RE TRYING TO DO RECYCLING DEPENDING UPON WHO IS THERE, OR WHO HAPPENS TO BE OPPOSED TO CERTAIN ACTIVITIES? BUT I THINK THE WORD "UNNECESSARY" WOULD ALLOW SOMEBODY TO CONTINUE TO DO THEIR WORK WITHOUT -- YOU KNOW, AND STILL GET WHAT YOU WANT, WHICH IS TO MINIMIZE THE CREATION OF DUST.

I DON'T KNOW IF THAT MAKES SENSE, BUT IT JUST MAY HELP IN DEFINING -- IF THAT....

MR. MUHAUSER: I DON'T THINK THAT -- THAT CERTAINLY WOULD CLARIFY THAT, I DON'T THINK IT WOULD CHANGE THE MEANING OF THAT.

*MALE VOICE: IT DOESN'T CHANGE IT, IT JUST HELPS WHERE SOMEBODY DOESN'T WANT TO -- YOU KNOW, QUITE MOVING THAT STUFF, YOU'RE RAISING DUST.

ON PAGE 29, 17409-2, MR. FRAZEE AND I, IN ONE OF OUR LAST COMMITTEE MEETINGS WERE -- WHEN WE HAD THIS ISSUE, WE TALKED ABOUT -- AT THE END OF LINE 14, IT'S: "THE OPERATOR SHALL MAINTAIN A SANITARY AND HAND-WASHING FACILITIES THAT ARE

PURSUANT TO APPLICABLE STATE AND LOCAL REQUIREMENTS IN A CLEAN AND ADEQUATELY-SUPPLIED CONDITION."

AND THERE WAS TESTIMONY THAT IF THEY WALKED INTO A REST ROOM AND THERE WAS NO TOILET PAPER THAT'S NOT RIGHT. SURE IT'S NOT RIGHT, BUT IF IT'S IN THE MIDDLE OF THE DAY, RIGHT AFTER A BREAK BEFORE SOMEBODY COULD GET IN THERE, COULD AN LEA WRITE AN OPERATOR BECAUSE SOMEBODY DECIDED TO TAKE SOME OF THOSE THINGS HOME WITH THEM BEFORE THE MAINTENANCE GUY WENT IN AND CLEANED IT UP?

IT SOUNDS STUPID, YEAH, THE TYPE OF THINGS THAT PEOPLE THAT GET REGULATED GET A DEAL WITH SOMETIMES. IT JUST KIND OF SCARES ME THAT WE HAVE IT IN OUR REGS, "IN A CLEAN AND ADEQUATELY-SUPPLIED CONDITION." IT NEEDS TO BE THERE SOMETIME DURING THE DAY, I AGREE. BUT THERE'S TIMES OF THE DAY WHERE REST ROOMS GET DIRTY.

MR. MUHAUSER: BUT SUPPOSE WE ADDED THE WORD "REASONABLY" IN FRONT OF THE WORD "CLEAN"?

MEMBER JONES: *(PRESUMED). IT WORKS FOR ME. THAT WORKS FOR ME.

I MEAN, WE HAD SOMEBODY TESTIFYING THAT HE NEEDED THE RIGHT*, SO I JUST BRING IT UP BECAUSE IT GOT HIS ATTENTION.

AND THEN I THINK ON THE "ADEQUATELY-TRAINED," THIS WAS PART OF MY BRIEFING, WHEN WE TALK ON PAGE 31, 17410, ON LINE 16 WHERE IT SAYS: "PERSONNEL WITHIN THE OPERATION OF THE FACILITY SHALL BE ADEQUATELY TRAINED."

AND I THINK WE ALL UNDERSTAND THAT TRAINING IS AN ONGOING ISSUE, AND THE GUY THAT STARTS THE -- THE MAN OR WOMAN THAT STARTS THE SECOND DAY HAS A LEVEL OF TRAINING COMMENSURATE WITH SOMEBODY THAT'S BEEN THERE ONE OR TWO DAYS, AS OPPOSED TO WHAT YOU WANT TO SEE THAT PERSON TRAINED TO WHEN THEY'RE DOING THEIR JOB. AND THAT'S -- I DON'T KNOW IF IT IS QUESTIONABLE, IF IT COULD CREATE A PROBLEM. I THINK THERE ARE LEVELS OF TRAINING.

THIS SAYS --

*[END OF T-3, SIDE A; SOUNDS LIKE A LOT OF TEXT IS MISSING]

MR. MUHAUSER: *(PRESUMED). -- EXISTING LANGUAGE, BUT WE COULD PROVIDE SOME ADDITIONAL EXPLANATION IN THE STATEMENT OF REASONS, ALONG THE LINES THAT YOU'VE JUST MENTIONED, IF THAT WOULD --

MEMBER JONES: IF THE OTHER BOARD MEMBERS -- YOU KNOW, I JUST -- I DON'T THINK IT'S REALLY AN ISSUE. I MEAN, IT'S NEVER BEEN AN ISSUE WITH ME, IT WAS JUST SOMETHING THAT KIND OF STUCK OUT WHEN I WAS READING IT.

OTHER THAN THAT, I AGREE WITH -- I GOT SOME UNDUE CREDIT EARLIER, I'VE GOT TO TELL YOU, MR. FRAZEE'S P&E COMMITTEE WITH A CAST OF CHARACTERS SHEPHERDED THIS THING THROUGH, AND I WAS -- I'M GLAD I WAS ABLE TO PARTICIPATE. BUT THE STAFF DID A GREAT JOB ON THIS, SO DID ALL THE STAKEHOLDERS, AND IT WORKED.

SO, I DON'T KNOW IF THERE'S ANY OTHER COMMENTS,

BUT IF THERE AREN'T --

CHAIRMAN PENNINGTON: I'LL ENTERTAIN A MOTION.

MEMBER JONES: -- I'LL MAKE A MOTION THAT WE DO OUR FINAL 15-DAY -- NOW, I UNDERSTAND IT HAS TO GO OUT FOR ANOTHER 15 DAYS, FOR ME IT'S FINE, BUT....

DOES IT HAVE TO GO OUT FOR ANOTHER 15 DAYS?

MR. MUHAUSER: YEAH. THE STANDARD FOR DOING A 15-DAY COMMENT PERIOD IS FAIRLY LOW. IT'S NOT THAT THE CHANGE IS SIGNIFICANT, IT'S THAT IT CHANGES A SUBSTANTIVE RIGHT IN SOME FORM OR ANOTHER. SO, BASICALLY, UNLESS IT'S CLERICAL OR SOME SORT OF CLARIFICATION --

MEMBER JONES: OKAY.

MR. MUHAUSER: -- BUT, IT'S ACTUALLY CHANGING THE STANDARD AT ALL. FOR INSTANCE, THE SANITARY FACILITIES ONE IS A CHANGE FROM THE LAST TIME. WE DO NEED TO GO TO 15-DAY.

MEMBER JONES: OKAY. I WILL MAKE THE MOTION, THEN, THAT WE DO THE 15-DAY --

CHAIRMAN PENNINGTON: OKAY. YOU ARE MOVING THE OPTION FOR -- YOU'RE MOVING THAT THE MODIFIED PROPOSED REGULATIONS AS RECOMMENDED BY STAFF *(INDISC/INAUD) NOTICE THOSE REGULATIONS FOR AN ADDITIONAL 15-DAY PUBLIC REVIEW AND COMMENT PERIOD?

MEMBER JONES: YES, I AM.

CHAIRMAN PENNINGTON: OKAY. SO MOVED --

*[TAPE GOES DEAD, DON'T KNOW WHAT'S LOST]

*MALE VOICE: -- PROCEDURALLY, THIS WAS ALSO THE ADOPTION OF THE NEGATIVE DEC. WE'VE ALWAYS IN THE PAST DONE THAT IN A SEPARATE MOTION, AND IT'S CONTAINED IN A SINGLE RESOLUTION THIS TIME. IS THAT --

MR. MUHAUSER: ACTUALLY, LET ME SAY, THE REASON THAT THAT APPEARS IN THE ITEM AND IS IN THE TITLE IS BECAUSE WE PROVIDED OPTIONS FOR THE BOARD IN CASE THE BOARD WAS READY TO NOT MAKE ANY CHANGES AND JUST ADOPT TODAY.

*MALE VOICE: OH, I SEE --

*[THE PARTIES SIMULTANEOUSLY SPEAK.]

MR. MUHAUSER: -- BUT YOU DON'T NEED TO ADOPT THE NEGATIVE DEC TODAY --

*[THE PARTIES SIMULTANEOUSLY SPEAK.]

MR. MUHAUSER: EXACTLY. IT'S IN THE TITLE SO THAT YOU HAD THAT OPTION, BUT WE DON'T NEED THAT TODAY.

*MALE VOICE: OH, I SEE. OKAY.

CHAIRMAN PENNINGTON: OKAY. SO I NEED A SECOND.

*MALE VOICE: I'LL SECOND.

CHAIRMAN PENNINGTON: OKAY. IT'S BEEN MOVED AND SECONDED THAT WE SUBMIT THE REGULATIONS FOR AN ADDITIONAL 15-DAY PUBLIC REVIEW AND COMMENT PERIOD.

IF THERE'S NO FURTHER DISCUSSION, WILL THE SECRETARY CALL THE ROLL, PLEASE?

THE SECRETARY: BOARD MEMBER EATON?

MEMBER EATON: AYE.

THE SECRETARY: FRAZEE?

MEMBER FRAZEE: AYE.

THE SECRETARY: JONES?

MEMBER JONES: AYE.

THE SECRETARY: CHAIRMAN PENNINGTON?

CHAIRMAN PENNINGTON: AYE.

THE MOTION CARRIES.

WE MOVE TO ITEM 15. BEFORE WE DO THAT, CAN WE TAKE ABOUT A 10-MINUTE BREAK, AND WE'LL BE BACK AT 4:00? (OFF THE RECORD; BRIEF RECESS.)

CHAIRMAN PENNINGTON: OKAY. WE'RE BACK IN SESSION HERE.

WE'RE GOING TO DO A LITTLE REARRANGING AROUND. FOR THOSE OF YOU WHO ARE HERE FOR THE CONTRACT CONCEPTS, WHICH WAS ITEM NUMBER SIX, WE ARE GOING TO POSTPONE THAT UNTIL THE SEPTEMBER 10TH MEETING SO THAT WE CAN GET OUT OF HERE. WE HAVE CONSTRAINTS FOR PEOPLE TO LEAVE BY FIVE O'CLOCK, SO WE NEED TO DO THAT. AND TRY TO GET THE REST OF THE STUFF DONE TODAY.

SO, WE'RE AT THE NEXT -- ITEM 15, WHICH IS AN ORAL PRESENTATION OF THE VERTICAL EXPANSION OF MUNICIPAL SOLID WASTE LANDFILLS. ANDERSON, *ET AL.*

MALE VOICE: MOTION TO SAVE THIS ONE FOR SANTA BARBARA SO PAUL WILLIS COULD HEAR IT.

CHAIRMAN PENNINGTON: YES. THAT'S TRUE.

*MALE VOICE: WE STILL HAVE TIME.

CHAIRMAN PENNINGTON: WE SHOULD HAVE AT LEAST VIDEO IT AND SENT IT TO HIM.

AGENDA ITEM NO. 15: ORAL PRESENTATION OF THE
VERTICAL EXPANSION OF MUNICIPAL SOLID WASTE
LANDFILLS

MR. ANDERSON: GOOD AFTERNOON, CHAIRMAN PENNINGTON AND BOARD MEMBERS. I'M BOB ANDERSON FROM THE CLOSURE, REMEDIATION AND TECHNICAL SERVICES BRANCH OF THE WASTE MANAGEMENT BOARD.

*[NOTE TO CSR: HARD TO TELL HOW HE'S REALLY TRYING TO PRESENT WHAT HE'S TRYING TO SAY BECAUSE HE SKIPS ALL OVER, NOT COMPLETE SENTENCES, ETC., SO CHECK YOUR NOTES AND REVIEW FOLLOWING TEXT FOR THIS SPEAKER PARTICULARLY CAREFULLY; THIS TBR HAS NOT *'D EVERY QUESTIONABLE PHRASE OR YOU/WE OR IT/THEY, OR.....]

AND MY BRANCH WAS ASKED SEVERAL MONTHS AGO BY FORMER BOARD MEMBER RELIZ* TO BRING A ITEM ON VERTICAL EXPANSIONS BEFORE THE BOARD. IT'S AN INFORMATIONAL ITEM. AND THE ISSUE THAT REALLY UNDERLIES THIS PARTICULAR ITEM HAPPENS TO DEAL WITH LINERS, AND THE REQUIREMENTS FOR HAVING LINERS, WHICH IS NOW UNDER THE REGIONAL WATER QUALITY CONTROL BOARD, STATE WATER BOARD VENUE FOR CALIFORNIA.

WHAT WE'RE LOOKING AT IS WHY DO WE HAVE LINERS FOR LATERAL EXPANSIONS VERSUS WHY DON'T WE HAVE, UNDER REGULATORY AUTHORITY THROUGH THE WATER BOARD OR THROUGH OURSELVES, A REQUIREMENT FOR A LINER FOR VERTICAL EXPANSION, ESPECIALLY FOR SOME OF THE OLDER SITES THAT HAVE NO LINER WHATSOEVER.

SO, WITH THAT AS A LITTLE BACKGROUND TO THIS, I'D LIKE TO TRY TO GET THIS GOING HERE. LET'S SEE, FOR THE FIRST....

OKAY. WHAT WE HAVE HERE IS THE INTRODUCTION. ONE OF THE THINGS I'D LIKE TO BRING OUT, FIRST AND FOREMOST, IS PEOPLE TOSS AROUND THE TERM, PHRASE "VERTICAL EXPANSION" ALL THE TIME THROUGHOUT CALIFORNIA AND THE UNITED STATES, WHILE AS THERE IS NO DEFINITION UNDER CALIFORNIA CODE OF REGULATIONS NOR SUBTITLE D OF THE CODE OF FEDERAL REGULATIONS FOR WHAT IS A VERTICAL EXPANSION.

SO, WITH THIS IN MIND, I CAME UP WITH MY OWN WORKING VERTICAL EXPANSION DEFINITION. THIS IS INFORMATIONAL ONLY, THERE IS NO KIND OF BINDING AGREEMENT TO WHAT THIS DEFINITION REALLY IS. THAT IS THE PLACEMENT OF WASTE OVER AN EXISTING FOOTPRINT OF A LANDFILL, UP TO A CERTAIN MAXIMUM ELEVATION, AFTER CONSIDERATION OF CERTAIN PARAMETERS. AND THESE ARE RELATIVE TO CEQA, RELATIVE TO HEALTH AND SAFETY, AND RELATIVE TO GEOTECHNICAL CHARACTERISTICS OF YOUR SITE.

AND, ALSO, ONE OF THE KEY ELEMENTS OF THIS IS RELATIVE TO THE ESTABLISHMENT OF ADDITIONAL CAPACITY WITHIN A COMMUNITY WITHOUT THE BURDENSOME EXPENSE OF PLACING A LINER DOWN AT A SITE.

YOU'LL SEE THAT THERE'S A COUPLE OF EXCEPTIONS TO THAT, WHERE THE WATER BOARDS HAVE REQUIRED A LINER AND LCRSS* FOR CERTAIN EXPANSIONS, VERTICAL EXPANSIONS, SO.

OKAY. THERE'S TWO PRINCIPAL TYPES OF VERTICAL EXPANSIONS. WE SAID BASICALLY WHAT A VERTICAL EXPANSION WAS. WHAT WE HAVE IS WHERE YOU HAVE VERTICAL EXPANSION OVER THE LANDFILL ITSELF, EXISTING LANDFILL.

ANOTHER ONE THAT WE COINED IS AN ON-LAP* VERTICAL EXPANSION. IF YOU THINK BACK TO OUR WOODWORKING DAYS AND SUCH, THAT ON-LAP TYPE JOINT, WHAT YOU HAVE IS YOU HAVE LATERAL EXPANSION THAT HAS A VERTICAL COMPONENT TO IT, AND THAT VERTICAL COMPONENT HAPPENS TO OVERLY EXISTING WASTES, BE IT LINED OR UNLINED. AND TYPICALLY YOU WOULD HAVE THE LATERAL EXPANSION -- NOWADAYS, UNDER THE SUBTITLE D AND TITLE 27, WOULD BE REQUIRED TO BE LINED. AND POSSIBLE THE OVERLAPPED AREA BETWEEN THE TWO CELLS* WOULD ALSO BE LINED. THAT'S A WATER BOARD CALL.

OKAY. HERE'S COMPARISON CONTRASTS BETWEEN THE TWO TYPES OF EXPANSIONS. AND YOU HAVE NO CHANGES IN THE PLANNED* VIEW OF THE FOOTPRINT FOR VERTICAL EXPANSION, A TRUE VERTICAL EXPANSION. WHEREAS, YOU HAVE A CHANGE TO THE FOOTPRINT OF THE LANDFILL FOR A LATERAL EXPANSION.

NOW, THERE'S NO LINER REQUIRED FOR -- GENERALLY FOR A VERTICAL EXPANSION UNDER SUBTITLE D. THAT'S DEBATABLE BY THE REGIONAL WATER QUALITY CONTROL BOARD, AND IT DEPENDS ON THE CIRCUMSTANCES FOR A SITE. WE HAVE A NUMBER OF SITES -- THREE SITES THAT I'LL TALK ABOUT THAT DO HAVE LINERS INSTALLED. AND, THAT WAS DRIVEN BY THE REGIONAL WATER QUALITY CONTROL BOARD.

AND WHAT WE'RE LOOKING AT HERE IS A BENEFIT OF

WHY THE HECK WE HAVE THIS. WE HAVE AN EFFICIENT USE OF AIR SPACE AT A SITE WITHOUT GOING THROUGH ALL THE TEDIOUS PROCESSES FOR PERMITTING A BRAND-NEW LANDFILL ON AN ADJACENT CELL AT AN EXISTING SITE, SO.

OKAY. WE JUST HAD A DEAD -- THAT WAS SUPPOSED TO BE A PICTURE OF SOME CROSS-SECTIONS. WHAT WE HAVE HERE IS -- JUST TO LIVEN THINGS UP A LITTLE BIT -- AND I HAVE A WONDERFUL SECRETARY THAT KNOWS ALL THE INS AND OUTS OF THIS, BUT I DON'T -- IS AN EXCEL SPREADSHEET TALKING ABOUT NINE DIFFERENT SITES RELATIVE TO VARIOUS ASPECTS IN VERTICAL EXPANSION. AND I'D LIKE TO POINT OUT TWO OF THEM, IN THE INTEREST OF TIME HERE.

THE FIRST ONE IS SAN MARCOS* LANDFILL -- THIS WAS A LINER SITE THAT HAD A INTERMEDIATE COVER LINER COMPACTICALLY* COVER REQUIRED IN A LCRS, IT'S ONE OF THREE SITES THAT WE'VE BEEN TRACKING IN THE STATE THAT HAVE INTERMEDIATE LINERS THAT ARE ACTUALLY INSTALLED AND ARE OPERATING AT THIS TIME -- HAD PROPOSED A 200-FOOT VERTICAL EXPANSION. THEY BUILT ABOUT 50 FOOT *(SIC) OF THAT EXPANSION OUT AND THEN THEY TERMINATED OPERATIONS OUT THERE AS THE CONDITIONAL USE PERMIT WAS PULLED, A NUMBER OF YEARS AGO.

AND THEN I'D LIKE TO TALK ABOUT THE TOLEN* ROAD LANDFILL. HOPEFULLY, WE'RE GOING TO HAVE SOME AIR PHOTOS OF THIS SITE. IT'S A VERTICAL EXPANSION WITH A LATERAL COMPONENT TO IT, SO IT'S SORT OF BACKWARDS FROM YOUR TYPICAL LATERAL EXPANSION. BUT, IN FACT, IT STILL IS UNDER THE REQUIREMENTS OF LATERAL EXPANSION UNDER THE REGIONAL WATER QUALITY CONTROL BOARD IN SUBTITLE D.

TOLEN LANDFILL IS OUR LARGEST EXPANSION THAT WE HAVE SO FAR IN CALIFORNIA RELATIVE TO THE NEW REQUIREMENTS UNDER SUBTITLE D. IT'S A 24 MILLION CUBIC YARD EXPANSION. AND ALSO HAD TO DO WITH SOME SITING ELEMENTS RELEVANT TO THE SITE GEOLOGY, IN AS MUCH AS THEY THOUGHT THERE WAS AN ACTIVE FAULT THERE. AND IT TURNS OUT TO BE THAT THE WATER BOARD HAS SAID THAT THEY DON'T THINK IT'S ACTIVE, SO THEY COULD GO AHEAD AND GO WITH THE EXPANSION.

BUT, AGAIN, 31 YEARS' MORE CAPACITY. IT'S THE SECOND SITE THAT HAS COMPACTED CLAY, INTERMEDIATE LINER, WITH A COMPOSITE LINER ON THE SIDE SLOPES OF THE CANYON.

SO, HOPEFULLY, WE'LL SEE A PICTURE HERE. HERE IS A 1995 AERIAL OBLIQUE PHOTO OF THE TOLEN LANDFILL IN VENTURA COUNTY. AND WHAT WE HAVE HERE IS WITHIN -- WELL, LET'S SEE HERE. I WAS GOING THROUGH HERE -- RIGHT IN HERE YOU CAN SEE WHERE THE LANDFILL IS RIGHT HERE. AND THEN WE'RE GOING TO FILL UP AGAINST THE SIDE OF THIS CANYON WALL, UP IN THROUGH HERE AND OVER TO THE SIDES HERE.

NOW WE'RE GOING TO HAVE AN AERIAL PHOTO, HOPEFULLY, OF 1997. RIGHT THERE. AND THIS IS AN *(INDISC/INAUD) PHOTO OF THE SAME SITE TWO YEARS LATER, WHERE THEY ACTUALLY HAD PUT THEIR COMPACTED CLAY LINER DOWN. AND YOU CAN SEE -- AT THE EDGE OF THE CANYON WALL YOU CAN SEE WHERE THEY ACTUALLY HAVE FLEXIBLE MEMBRANE LINER INSTALLED AT

THAT SITE, AND CLAY WITH IT. SO, YOU HAVE YOUR COMPOSITE LINER ON THE SIDE SLOPE OF THE CANYON, SO.

WE HAVE A COUPLE CONSIDERATIONS THAT MY BRANCH PARTICULARLY LOOKS AT WITH THE LEAS, IT HELPS THE LEAS, AND IN SOME CASES WE LOOK AT THEM JOINTLY WITH THE REGIONAL WATER QUALITY BOARDS NOW, SUCH AS FOUNDATION ISSUES.

LIKE AT TRI-CITIES* LANDFILL WHERE *(INDISC/INAUD) SETTLEMENT SIGNIFICANTLY INTO BAY MUDS, OR AT TOLEN LANDFILL WHERE THERE'S SLOPE STABILITY ISSUES, POSSIBLY WITH AN ACTIVE FAULT OR A HIGH, STRONG MOTION AT THE SITE. YOU HAVE INTEGRITY OF INTERMEDIATE LINERS AND LEECHATE* COLLECTION CONTROL SYSTEMS. WE HAVE THREE SITES LIKE THAT RIGHT NOW. ALL THREE SEEM TO BE WORKING. WE HAVEN'T DONE ANY FORENSICS ON ANY OF THEM, AND HOPEFULLY WE WON'T FOR A WHILE, TO SEE HOW THINGS ARE GOING ALONG. BUT, SO FAR, SO GOOD.

DRAINAGE AND EROSION CONTROL ISSUES CHANGE AT A SITE BECAUSE YOU HAVE MORE SURFACE AREA TO CONTEND WITH, AND YOU CAN HAVE THAT MUCH MORE SURFACE WATER DRAINAGE TO HAVE TO DEAL WITH.

THEN YOU HAVE LANDFILL GAS CONTROL AS YOU INCREASE THE SIZE -- ESPECIALLY LIKE TOLEN LANDFILL -- 24 MILLION CUBIC YARDS IS THE EQUIVALENT UNDER THE NSPS EP OR EG* ROLLS* OF ABOUT SEVEN NEW LANDFILLS, MINIMUM-SIZED LANDFILLS.

SO, IF YOU THINK OF THAT, THAT PARTICULAR SITE HAD A SIGNIFICANT AMOUNT OF POTENTIAL GAS GENERATION TO CONTEND WITH.

FILL SEQUENCING* AND CONSTRUCTION IS CRITICAL HERE. AND WHAT WE'RE LOOKING AT IS SOMETHING THAT THE WATER BOARD DOESN'T NECESSARILY LOOK AT SO MUCH AS WE DO, BECAUSE THERE ARE CERTAIN SLIVER FILLS AND OTHER AREAS THAT YOU DON'T WANT TO BUILD YOURSELF INTO A CORNER WHERE YOU'RE TRYING TO DO YOUR EXPANSION, MAKE SURE YOU HAVE ENOUGH ROOM TO OPERATE YOUR SITE DURING AN EXPANSION. SORT OF LIKE KELLER* CANYON'S DOING WITH THEIR LATERAL EXPANSION UP-CANYON RIGHT NOW.

CEQA AND LOCAL ISSUES, IT COMES TO KIEFER* LANDFILL. KIEFER IS A LARGE LANDFILL IN SACRAMENTO COUNTY, HERE IN OUR HOME COUNTY. IT TURNS OUT TO BE THEY ARE GOING UP TO A 450-FOOT MSL*, ABOVE* MEAN SEA LEVEL WITH THEIR EXPANSION.

FOLKS FROM RANCHO MARIETTA* COMPLAINED TO THE COUNTY AND SAID THAT WE DON'T LIKE THE VIEW SHED* THAT THAT WOULD IMPACT OUT THERE, WE WANT TO KEEP OUR VIEW SHED NICE OUT THERE. AND AT LEAST FOR NOW THEY STOPPED VERTICAL EXPANSION.

KIEFER'S DOING LATERAL EXPANSION AND MAY COME BACK TO US FOR A VERTICAL IN THE FUTURE, BUT FOR NOW THEY'VE GOT IT STOPPED.

SITE CAPACITY AND LONGEVITY. AS THE INCREASED VERTICAL -- THIS IS THE WHOLE SECRET, WHY ARE WE DOING THIS? ASK YOURSELF WHY, THE QUESTION. EVERYBODY LIKES THAT. IT'S JUST REAL EXPENSIVE TO DO THIS. YOU LIKE *(PHONETIC PHRASE) THE SITE CAPACITY AND LONGEVITY, THE MORE SITE CAPACITY YOU HAVE WITH WHATEVER KIND OF RATE THAT YOU HAVE FOR A TIPPING FEE GIVES YOU ADDITIONAL REVENUE TO PAY FOR OTHER KINDS OF

ACTIVITY, INCLUDING CLOSURE.

ALSO IT HELPS MEET ONE OF THE REQUIREMENTS BY THE WASTE MANAGEMENT BOARD OF HAVING ENOUGH CAPACITY IN A COUNTY, HOPEFULLY, BETWEEN THE VARIOUS SITES THAT YOU HAVE TO MEET THE BASIC AMOUNT OF CAPACITY REQUIREMENTS FOR THAT PARTICULAR LOCATION.

CLOSURE/POST-CLOSURE COSTS, AS YOU CHANGE THE SIZE OF THE SITE, WITH A GAS SYSTEM, WITH DRAINAGE/EROSION CONTROL AND STABILITY, AND OTHER ISSUES, IT SIGNIFICANTLY IMPACTS THE COST. IT ALSO AFFECTS THE RATE OF FUNDING FOR CLOSURE AND POST-CLOSURE.

AND, I JUST HAVE ONE OR TWO MORE SLIDES LEFT HERE. WELL, THE BIG THING, THE KEY TO LOOK AT IN THE FUTURE FOR US RIGHT NOW, IS INTERMEDIATE LINERS AND LCRSS.

THE QUESTION THAT COMES BACK, WHAT MR. CHANDLER HAD TALKED TO ME AT THE SITE EARLIER, AND WHY ARE WE LOOKING AT THIS IN THE FIRST PLACE, IS WHY DO WE HAVE SOME SITES AND THE CONCERN FOR LINERS OVER VERTICAL EXPANSIONS AS AN INTERMEDIATE LINER, AND WHY DO WE HAVE LINERS ON A LATERAL EXPANSION, ON ENGINEERED GROUND OFF TO THE SIDE.

IT TURNS OUT TO BE, WHAT THE SITE EXPECTS SIGNIFICANT DEFORMATION, ESPECIALLY IF YOU HAD 100, 200, 300 FOOT OF FILL OVER AN EXISTING INTERMEDIATE LINER. AND AS THAT SITE SETTLES AND DEFORMS THAT LINER'S INTEGRITY CAN BE COMPROMISED SEVERELY.

THE QUESTION IS, IS THE LCRS SYSTEM STILL WORKING EVEN THOUGH THE LINER MAY BE SEVERELY DEFORMED. AND THAT'S THE KEY RIGHT THERE. IT'S A PERFORMANCE ISSUE, IT'S NO LONGER PRESCRIPTIVE. AND IN MY VIEW, AS A STAFF PERSON, I DON'T SEE PRESCRIPTIVE A LINER PERFORMANCE IS THE ISSUE, IT'S WHAT *(INDISC/INAUD) THE LCRS. DO WE HAVE ENOUGH PROTECTION, ENOUGH GAS GENERATION, ENOUGH GAS THAT WE CAN RECOVER IT TO MAKE IT WORTH WHILE TO HAVE A LINER IN THERE. OTHERWISE, MAYBE THE ANSWER IS NO LINER, IT'S A WASTE OF MONEY.

THAT'S BASICALLY IT. A SUMMARY SLIDE HERE, CONCLUSIONS. VERTICAL EXPANSIONS HELP MEET THE NEED FOR THE COUNTY TO HAVE ENOUGH CAPACITY IN THEIR AREA, IN ORDER TO MEET THE REQUIREMENTS BY THE WASTE MANAGEMENT BOARD, AND ALSO TO SET ASIDE FUTURE PLANNING FOR -- AND SET ASIDE WHERE WE DON'T HAVE TO SITE A NEW LANDFILL ADDITIONALLY INTO THE COUNTY. OR MAYBE HAVE *(INDISC/INAUD) OUTSIDE OF THE COUNTY.

WE'RE ALSO CONTINUING TO MONITOR THIS KIND OF ACTIVITY IN THE FUTURE. WE HAVE 11 SITES THAT WE'RE LOOKING AT RIGHT NOW.

I'LL TAKE ANY QUESTIONS.

CHAIRMAN PENNINGTON: QUESTIONS?

*MALE VOICE: *(INDISC/INAUD)

CHAIRMAN PENNINGTON: *(INDISC/INAUD)

*MALE VOICE: THE SANTA MONICA SITE THAT YOU MENTIONED, IS THAT BOTH A COMPOSITE AND A CLAY CAP *(INDISC/INAUD)?

MR. ANDERSON: IT'S A COMPACTED CLAY LINER THAT HAS

A LCRS SYSTEM IN IT. AND A LCRS SYSTEM'S A LEACHER COLLECTION RECOVERY SYSTEM, IT WASN'T A COMPOSITE.

THAT HAD DIFFERENT AVENUES THAT THEY WERE LOOKING AT, AT THAT TIME, INCLUDING WHAT I CALL THE PANCAKE LINING *(COULD BE LANDFILL) FILL*, WHICH THEY WOULD HAVE VARIOUS INTERMEDIATE LINERS OVER ABOVE* ONE ANOTHER, AND THEY NEVER DID THAT. IT WAS *(INDISC/INAUD) COMPACTED CLAY LINER *(INDISC/INAUD).

*MALE VOICE: AND YOU RECALL THE CONTENTION ON THAT ONE WAS BECAUSE OF UNEVEN COMPACTION AND SETTLING, THAT THE INTEGRITY OF THAT CAP WAS NOT VALID --

MR. ANDERSON: AND THAT'S WHAT I WAS TRYING TO POINT OUT --

*MALE VOICE: -- IS THERE ANY WAY OF DETERMINING THAT?

MR. ANDERSON: THE BASIC WAY TO LOOK AT THIS WITHOUT ACTUALLY DIGGING IT UP RIGHT NOW IS TO WATCH THE PERFORMANCE OF THE LEECHATE COLLECTION RECOVERY SYSTEM. AND AS THAT PERFORMS OVER TIME -- AND, THAT IS WHAT WE HAVE TO GAUGE ON ANYTHING *(PHONETIC PHRASE). IT'S ALL RELATIVE TO ITS OWN PERFORMANCE INTERNALLY. SO YOU HAVE TO WATCH IT RELATIVE TO ITSELF.

THE LINER ISSUE YOU CAN'T REALLY JUDGE UNLESS YOU DUG IT UP. AND THAT'S NOT REALLY PRACTICAL AT THAT SITE.

*MALE VOICE: YEAH. *(INDISC/INAUD), YEAH.

AND THEN, DO YOU HAVE -- IF IT DOES RETAIN ITS INTEGRITY, THEN DO YOU CREATE A DOME -- A METHANE-CAPTURED POCKET?

MR. ANDERSON: YES, SIR. IT TURNS OUT TO BE --

*[THE PARTIES SIMULTANEOUSLY SPEAK.]

*MALE VOICE: -- IT EXTENDS THE LIFE OF THE NEED TO MAINTAIN THE LANDFILL WITH SLOWING DOWN THE METHANE PRODUCTION?

MR. ANDERSON: NO, SIR. THINK OF IT AS A TWO-COMPONENT SANDWICH, IF YOU WILL, WHERE YOU HAVE MEAT ON THE TOP, THEN YOU HAVE CHEESE, AND MEAT ON THE BOTTOM KIND OF THING. AND WHAT YOU'RE LOOKING AT HERE, ON THE TOP PART IT GENERATES ITS OWN GAS, ON THE BOTTOM THERE'S SO MUCH MOISTURE IN THAT FILL ANYWAY THAT IT'LL GENERATE TO A CERTAIN POINT ITS OWN GAS AT ITS OWN RATE. OKAY?

YOU CAN TRAP GAS UNDER THE LINER SYSTEM. THE POINT IS THAT YOU HAVE GAS COLLECTION CONTROL ELEMENTS THAT WOULD EXTRACT THAT GAS, AND IN SOME CASES USE THAT FOR PRODUCTION OF ENERGY, OR JUST FLARE* IT OFF.

SO, IT DOESN'T NECESSARILY PROLONG THE GAS ISSUE AD INFINITUM, BUT IT MIGHT PROLONG IT SLIGHTLY. WE DON'T KNOW YET, AND THAT'S ANOTHER THING TO LOOK AT.

THE OTHER THING TO LOOK AT IS FOR THESE INTERMEDIATE LINERS, IS THOSE ARE BUILT IN PLANES* THAT MAY BE PRONE TO SLOPE *(INDISC/INAUD), AND THAT'S SOMETHING THAT REALLY WORRIES ME AS A PERSON THAT WORKS IN THE BRANCH, SO.

*MALE VOICE: SO MY LAYMAN'S CONCLUSION IS, THAT

YOU'RE BETTER OFF WITHOUT A CAP BETWEEN -- FOR VERTICAL EXPANSION *(INDISC/INAUD).

MR. ANDERSON: THERE MAY BE SOME VERY VALID LOGIC BEHIND THAT. RIGHT NOW THAT'S A WATER BOARD CALL, AND THERE MIGHT BE ISSUES OTHER THAN JUST TECHNICAL ISSUES THAT DRIVE *(PHONETIC; TRIED, DRIED; DERIDE?) THAT. AND THEY WOULD HAVE TO BE CONSIDERED, AS WELL.

CHAIRMAN PENNINGTON: VERY GOOD. ANY OTHER QUESTIONS?

THANK YOU, MR. ANDERSON.

MR. ANDERSON: THANK YOU.

CHAIRMAN PENNINGTON: WE'RE SORRY TO HAVE KEPT YOU OVER FOR THREE TIMES.

OKAY. NOW WE'LL MOVE TO ITEM 16, CONSIDERATION OF THE PROPOSED 1998 WASTE REDUCTION AWARDS PROGRAM *(INDISC/INAUD). KAREN CRAIGOVICH. OKAY, JEFF IS GOING TO DO IT.

AGENDA ITEM NO. 16: CONSIDERATION OF THE PROPOSED
1998 WASTE REDUCTION AWARDS PROGRAM
*(INDISC/INAUD)

MR. HUNTS*: GOOD AFTERNOON, MR. CHAIRMAN, BOARD MEMBERS. MY NAME IS JEFF HUNTS, I'M THE SUPERVISOR OF THE BUSINESS RESOURCE EFFICIENCY SECTION. AND WITH ME TODAY IS LINDA HENNESSEY*, THE MANAGER/COORDINATOR *(OR MANAGER -- COORDINATOR) OF THE WASTE REDUCTION AWARDS PROGRAM.

THIS ITEM IS THE BOARD'S CONSIDERATION OF THE PROPOSED LIST OF 1998 WASTE REDUCTION AWARD PROGRAM, OR WRAP, WINNERS.

I DO WANT TO NOTE RIGHT UP FRONT, THE MIDDLE PARAGRAPH WITHIN YOUR PACKAGE ON THE SUMMARY, WHERE IT SAYS THE LIST OF WRAP WINNERS HAS GONE TO P&E FOR A REVIEW. AND IT DETERMINED THERE WERE *(SIC; FOR FOLLOWING "ISSUE," SINGULAR) NO EXISTING P&E COMPLIANCE ISSUE THAT SHOULD HAVE READ THAT IT WENT TO P&E TO DETERMINE IF THERE WERE ANY COMPLIANCE ISSUES.

HAVING SAID THAT, 1998 WAS AN OUTSTANDING YEAR FOR THE WASTE REDUCTION AWARDS PROGRAM. THE WASTE REDUCTION AWARDS PROGRAM WAS ESTABLISHED IN 1993 BY THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD TO RECOGNIZE CALIFORNIA BUSINESSES THAT HAVE MADE SPECIAL EFFORTS TO REDUCE NONHAZARDOUS WASTE AND SEND LESS GARBAGE TO LANDFILLS.

SUCCESSFUL APPLICANTS RECEIVE PROMOTION VIA BOARD PRESS RELEASES, THEY RECEIVE A CERTIFICATE FROM THE WASTE MANAGEMENT BOARD, CAMERA-READY ART THAT THEY CAN USE IN ADVERTISING AND ON PRODUCTS, AND EDUCATIONAL MATERIALS, AS WELL AS A STICKER THAT THEY CAN PUT ON THE WINDOW OF THEIR OPERATION. MOST OF ALL, THEY'RE RECEIVING IMPLICIT ENDORSEMENT FROM THE STATE FOR THEIR ACTIVITIES.

THE SCORING NECESSARY *(INDISC/INAUD) FILL OUT AN APPLICATION, THE SCORING NECESSARY TO WIN THIS YEAR WAS 75 PERCENT. IT'S WORTH NOTING THAT OVER THE YEARS THE OVERALL SCORES HAVE -- THE AVERAGE SCORES CONTINUE TO INCREASE.

AS I NOTED UP FRONT IN THE PRESENTATION, WE SEND

THE LIST OF PROPOSED WINNERS TO THE PERMITTING AND ENFORCEMENT DIVISION TO DETERMINE WHETHER THERE ARE ANY OUTSTANDING PERMITTING ENFORCEMENT ISSUES ASSOCIATED WITH ANY OF THE APPLICANT BUSINESSES THAT SHOULD PRECLUDE POTENTIAL WINNERS FROM BEING RECOGNIZED AS WRAP WINNERS. THAT REVIEW WAS DONE.

THIS YEAR THERE WERE 403 APPLICANTS -- WELL, I'LL GET INTO THAT IN JUST A SECOND. WE HAVE RECEIVED 403 APPLICANTS. OF THOSE ONLY FOUR WERE CONSIDERED NON-WINNERS, WE DON'T LIKE TO USE THE TERM "LOSER" -- NON-WINNERS BY SCORING. IN FACT, I THINK WELL OVER -- OR, NEARLY 60 PERCENT OF OUR APPLICANTS SCORED 90 PERCENT OR ABOVE. ONE APPLICANT WAS DEEMED NON-ELIGIBLE, IT WAS A LOCAL GOVERNMENT. AND TWO WRAP APPLICANTS WERE RECOMMENDED BY THE PERMITTING AND ENFORCEMENT DIVISION TO NOT BE RECOGNIZED AT THIS TIME AS WASTE REDUCTION AWARD PROGRAM WINNERS. SO, ON ATTACHMENT 1 IN FRONT OF YOU WE HAVE 396 WINNERS.

SOMETHING THAT CAME UP YESTERDAY, AFTER ALL BRIEFINGS WERE CONCLUDED, WAS TWO PHONE CALLS, INTERESTING PHONE CALLS FROM TWO SEPARATE BUSINESSES, ONE TO OUR CONTRACTOR, ONE TO BOARD STAFF, INQUIRING ABOUT THE STATUS OF THE PROGRAM AND WHETHER OR NOT THEY WERE WINNERS. AND WHILE WE DO HAVE RECORDS IN OUR DATABASE THAT THEY -- WE HAD SENT THESE BUSINESSES AN APPLICATION WE HAVE NO RECORD OF RECEIVING AN APPLICATION FROM THEM. THESE BUSINESSES FAXED US THEIR COVER LETTER THAT THEY HAD SENT IN. WE HAVE EVERY REASON TO BELIEVE THAT THEY DID SUBMIT AN APPLICATION ON TIME. WE DON'T HAVE IT, IT'S LOST IN THE MAIL.

SO, WHAT WE'D LIKE TO BUILD IN AS PART OF THE BOARD MOTION IS THE AUTHORIZATION OF STAFF TO PROCESS THESE SUBSEQUENT APPLICATIONS THAT AREN'T CONTAINED IN THE LIST IN FRONT OF YOU, AND PERHAPS ANY OTHERS THAT SHOULD POP UP, HOPEFULLY NOT, PUT THEM THROUGH OUR REVIEW, OUR SCORING, AND P&E REVIEW, AND ADD THEM TO THE LIST OF WINNERS IN THE NEAR FUTURE.

I JUST WANTED TO COVER A FEW ENHANCEMENTS TO THE PROGRAM THIS YEAR. I KNOW IT'S BEEN A LONG DAY SO I'LL KEEP THIS SHORT.

WE'RE WORKING ON IMPROVING THE WRAP DATABASE. INCREASINGLY, AS LOCAL GOVERNMENTS HAVE COME AROUND TO ADDRESSING THEIR BUSINESS WASTE STREAM, THEY ARE COMING TO THE BOARD ASKING US WHAT OTHER BUSINESSES ARE DOING TO REDUCE WASTE. I FEEL LIKE WE'RE KIND OF CLOSING THE LOOP ON THE DAY TODAY WHERE WE STARTED OUT RECOGNIZING LOCAL GOVERNMENTS AND THEIR EFFORTS. WE WERE ABLE TO PROVIDE CANDIDATE BUSINESSES FOR THE 21ST CENTURY EFFORTS FROM THE WRAP DATABASE.

IN THE INTEREST OF TIME HERE WE WON'T COVER ALL OF THE IMPROVEMENTS TO THE PROGRAM.

BUT, IN ADDITION TO HAVING THE BOARD ADOPT ATTACHMENT NO. 1, WHICH IS THE LIST OF PROPOSED WINNERS, STAFF WOULD LIKE TO SUGGEST THAT WE BE AUTHORIZED TO PROCESS ANY ADDITIONAL APPLICATIONS, AS WELL AS THE TWO BUSINESSES THAT WERE IDENTIFIED BY P&E AS HAVING OUTSTANDING ISSUES. SHOULD

THOSE ISSUES BE FAVORABLY RESOLVED IN THE NEAR FUTURE, THAT WE COULD ADD THOSE TO THE WINNERS' LIST AND THEN REPORT BACK TO THE BOARD EITHER VIA THE DEPUTY DIRECTOR OR THE EXECUTIVE DIRECTOR REPORT.

CHAIRMAN PENNINGTON: VERY GOOD. QUESTIONS OF STAFF?

*MALE VOICE: I DON'T THINK I'D HAVE A PROBLEM WITH THE P&E ONES, UNLESS THEY WERE IN MY FAVORITE CATEGORY OF PERSON, YOU KNOW, SOMEBODY THAT JUST DISREGARDS THE RULES. THEN I WOULD -- I DON'T THINK -- IF THEY RECTIFY IT THEY COULD APPLY NEXT YEAR. I MEAN, IF IT'S AN EGREGIOUS VIOLATION.

MALE VOICE: WELL, ONE OF THEM, IMATION,
*(INDISC/INAUD) ACTUAL JOB, THEY APPARENTLY *(INDISC/INAUD) SOME STUFF THAT THEY WEREN'T AWARE OF.

*[TAPE GOES DEAD, DON'T KNOW WHAT'S LOST]

CHAIRMAN PENNINGTON: WELL, I'LL ENTERTAIN A MOTION HERE.

*MALE VOICE: I'LL MAKE A MOTION THAT WE ADOPT RESOLUTION 98-264, AND ADD MR. HUNT'S RECOMMENDATIONS THAT HE GETS THE ONES THAT FILED AND YOU COULDN'T FIND, AND WHATEVER OTHER ONES YOU WANTED TO ADD THERE.

I THINK YOU SAID YOU WANTED TO KEEP IT OPEN FOR A LITTLE BIT LONGER?

MR. HUNTS: IN CASE SOMETHING COMES UP.

*MALE VOICE: SO, DO WE HAVE A PROCESS BY WHICH WE FILE THEM? I MEAN, I COULD SAY I SENT IT IN.

MR. HUNTS: YOU CERTAINLY COULD. WE KEEP TRACK OF EVERY APPLICANT THAT WE SEND AN APPLICATION TO DIRECTLY, OR A POTENTIAL APPLICANT.

*MALE VOICE: RIGHT.

MR. HUNTS: SINCE WRAP RELIES HEAVILY ON LOCAL PROMOTERS WHO WE SEND OUT BUNCHES OF APPLICATIONS TO WE DON'T KNOW ALL THE POTENTIAL APPLICANTS.

IN THE CASE OF THE TWO BUSINESSES THAT CALLED INQUIRING ABOUT THE STATUS OF THEIR APPLICATION, WE HAVE THEM IN OUR DATABASE AS HAVING BEEN SENT AN APPLICATION FROM US. AND WE HAVE EVERY REASON TO BELIEVE THAT THESE WERE LEGITIMATE, LOST IN THE MAIL, OR THAT WE DON'T KNOW WHAT HAPPENED BETWEEN HERE AND THERE.

WE'VE THOUGHT ABOUT BETTER WAYS OF TRACKING CERTIFIED MAIL FOR THE APPLICATION. WE FEEL ANY EXPENSE ON THE PART OF THE POTENTIAL APPLICANT IS A BARRIER TO PARTICIPATION IN THE PROGRAM.

SO, SURE, I GUESS THERE IS THE POTENTIAL FOR CHEATING.

*MALE VOICE: *(INDISC/INAUD) HAVE TO SEND YOU AN APPLICATION NOW DON'T THEY?

*FEMALE VOICE: CORRECT. I THINK THAT WHAT WE'RE LOOKING -- WE'RE NOT LOOKING FOR AN OPEN-ENDED FILING PERIOD.

WHAT WE'RE SIMPLY LOOKING FOR IS THAT WHERE WE CAN CONFIRM THAT APPLICATIONS WERE SENT OUT -- AND ONE OF THEM ACTUALLY PROVIDED US A FAX COPY WITH A LETTER DATED PRIOR TO THE CLOSE

OF THE APPLICATION PERIOD -- WHERE WE CAN VERIFY THAT THEY DID MAKE EVERY ATTEMPT TO GET IT TO US, AND PERHAPS DID, THAT WE HAVE THE OPPORTUNITY TO SCORE THEM. AND IF THEY ACHIEVE THE PASSING SCORE THAT THEY WOULD BE ADDED TO THE LIST OF RECIPIENTS. WE ARE NOT ASKING THAT IT BE KEPT OPEN SO THAT ANY ADDITIONAL FILINGS CAN BE MADE.

*MALE VOICE: OKAY.

*[TAPE GOES DEAD, DON'T KNOW WHAT'S LOST]

*MALE VOICE: *(INDISC/INAUD) BUTTON DOWN*.

*FEMALE VOICE: *(I THINK A DIFFERENT FEMALE THAN LAST FEMALE VOICE). I WOULDN'T EXPECT THAT TO HAPPEN. IN THE, LET'S SEE, '96, '97, '98, THAT I'VE BEEN HANDLING THE PROGRAM THIS IS THE FIRST TIME THAT THIS HAS HAPPENED.

*MALE VOICE: ALL RIGHT.

*FEMALE VOICE: THAT PEOPLE SAID THEY SENT --

*MALE VOICE: I CHANGE MY MOTION TO JUST SAY THAT WE'LL ADOPT --

MALE VOICE: TO INCLUDE THE IRISH SWEEPSTAKES WHERE OUR TICKET THAT WE SENT IN.

*MALE VOICE: -- THE RESOLUTION 98-264, CONSIDERATION OF '98 WASTE REDUCTION AWARD PROGRAM, WRAP, WINNERS TO INCLUDE THOSE TWO APPLICATIONS THAT ARE IN QUESTION.

*FEMALE VOICE: AND IN ADDITION, THAT -- NOW THIS GOES BACK TO THE OTHER ISSUE THAT JEFF RAISED -- IF THE ISSUES AROUND THE P&E REVIEW ARE RESOLVED WITH RESPECT TO THE TWO ENTITIES, THAT THEY BE THEN ADDED TO THE LIST.

THERE IS ONE OUTSTANDING ISSUE WHERE THE PERMITTING AND ENFORCEMENT DIVISION HAS NOT RECEIVED SUFFICIENT INFORMATION TO MAKE A DETERMINATION AT THIS POINT.

SO, WE WOULD LIKE THE OPPORTUNITY TO ADD THEM IF THEY CAN MAKE THAT DETERMINATION.

*MALE VOICE: BUT THAT BECOMES OPEN-ENDED THEN.

*FEMALE VOICE: WE COULD SET A DATE ON THAT, OR WE COULD SIMPLY TELL THEM TO APPLY THE NEXT TIME AROUND.

*MALE VOICE: THAT'LL WORK FOR ME.

*FEMALE VOICE: OKAY.

CHAIRMAN PENNINGTON: OKAY. WE NEED A SECOND TO YOUR MOTION.

MEMBER EATON: I'LL SECOND.

CHAIRMAN PENNINGTON: OKAY. IT'S BEEN SECONDED BY MR. EATON.

IF THERE'S NO FURTHER DISCUSSION, WILL THE SECRETARY CALL THE ROLL?

THE SECRETARY: BOARD MEMBER EATON?

MEMBER EATON: AYE.

THE SECRETARY: FRAZEE?

MEMBER FRAZEE: AYE.

THE SECRETARY: JONES?

MEMBER JONES: AYE.

THE SECRETARY: CHAIRMAN PENNINGTON?

CHAIRMAN PENNINGTON: AYE.

THE MOTION CARRIES.

*MALE VOICE: MR. CHAIRMAN?

CHAIRMAN PENNINGTON: YES?

*MALE VOICE: I JUST WANT TO MAKE ONE QUICK COMMENT.

WE HAD THE CITY COUNCILWOMAN HERE FROM CARSON WITH HER TWO BODYGUARDS -- NO, I'M ONLY KIDDING, HER TWO HELPERS. FORTY-TWO OF THE WRAP AWARD WINNERS FROM LA COUNTY CAME FROM CARSON.

I THINK THAT'S PRETTY COMMENDABLE FOR THEM PUTTING THEIR MONEY WHERE THEIR MOUTH IS. I MEAN, THEY'RE OUT DOING IT, THEY'RE SOLICITING SUPPORT, AND I THINK THAT'S REAL IMPORTANT.

CHAIRMAN PENNINGTON: OKAY, FOLKS, WE'VE GOT ABOUT 25 MINUTES TO GET THROUGH ITEM 17, CONSIDERATION OF DELEGATION OF AUTHORITY TO ALLOW EXTENSIONS OF TIME FOR SUBMISSION OF RIGID PLASTIC PACKAGING CONTAINERS, RPPC, PRODUCT MANUFACTURED CERTIFICATION FORMS AND INCREASED* IN REQUIRED TIME FOR RETENTION OF SUPPORTING DOCUMENTS BY PRODUCT MANUFACTURER
*(INDISC/INAUD) --

*[TAPE GOES DEAD, DON'T KNOW WHAT'S LOST]

AGENDA ITEM NO. 17: CONSIDERATION OF DELEGATION
OF AUTHORITY TO ALLOW EXTENSIONS OF TIME FOR
SUBMISSION OF RIGID PLASTIC PACKAGING CONTAINERS,
RPPC, PRODUCT MANUFACTURED CERTIFICATION FORMS AND
INCREASED* IN REQUIRED TIME FOR RETENTION OF
SUPPORTING DOCUMENTS BY PRODUCT MANUFACTURER
*(INDISC/INAUD)

FEMALE VOICE: -- THIS IS A TWO-PART ITEM THAT WILL BE PRESENTED BY JOHN NUFFER, AND WE DO HAVE SOME INTERESTED PARTIES IN THE AUDIENCE THAT MAY WISH TO ADDRESS THE BOARD ON THIS.

CHAIRMAN PENNINGTON: IF THEY DO WE NEED TO GET THEIR SLIPS UP HERE.

MR. NUFFER: GOOD AFTERNOON, MR. CHAIRMAN, BOARD MEMBERS. I'M JOHN NUFFER WITH THE WASTE PREVENTION AND MARKET DEVELOPMENT DIVISION.

AS YOU KNOW, IN APRIL THE BOARD DIRECTED STAFF TO RANDOMLY SELECT UP TO 500 COMPANIES AND ASK THEM TO CERTIFY THAT THEY WERE IN COMPLIANCE WITH THE RIGID PLASTIC PACKAGING LAW IN 1996.

BUT, BEFORE I PRESENT TODAY'S ITEM I WOULD LIKE TO GIVE YOU A BRIEF UPDATE ON THIS CERTIFICATION PROCESS.

WE MAILED FORMS TO 500 COMPANIES ON JULY 6TH, AND TO DATE PRICE WATERHOUSE HAS RECEIVED FORMS FROM ABOUT 150 OF THOSE COMPANIES. AND WE HERE AT THE BOARD HAVE RECEIVED QUESTIONS AND REQUESTS FOR INFORMATION FROM ABOUT 50 OTHER COMPANIES OVER THE PHONE. TWENTY-FIVE COMPANIES HAVE FORMALLY REQUESTED EXEMPTIONS FROM THE REQUIREMENTS. TWO COMPANIES HAVE FORMALLY REQUESTED WAIVERS OF THE REQUIREMENTS. AND ABOUT 10, TO DATE, HAVE REQUESTED EXTENSIONS OF TIME TO SUBMIT THE FORMS TO US. AND WE EXPECT THAT THERE MAY BE MORE OF THOSE AS THE DEADLINE DRAWS NEARER.

ALL OF THE FORMS ARE DUE BACK IN EARLY SEPTEMBER. AND THE DUE DATE IS BASED ON WHEN A COMPANY

RECEIVED THE CERTIFICATION FORM. THEY HAVE 60 DAYS FROM WHICH THEY RECEIVED THE FORMS TO SUBMIT THEM TO US, AND IN THIS CASE PRICE WATERHOUSE IS COLLECTING THE DATE AND ENTERING IT INTO A DATABASE FOR US.

WE PLAN TO GIVE YOU ANOTHER UPDATE AT THE SEPTEMBER 10TH BOARD MEETING, AND A FORMAL REPORT ON THE FINDINGS OF THE PROCESS ON OCTOBER 21ST.

AND, BASED UPON WHAT WE'RE LEARNING WITH THIS PROCESS, THE PURPOSE OF TODAY'S ITEM WAS TWOFOLD. FIRST, THE DELEGATION OF AUTHORITY FOR GRANTING TIME EXTENSIONS AND, SECOND, REQUIRING COMPANIES TO RETAIN RECORDS FOR AN ADDITIONAL YEAR.

FIRST, STAFF IS ASKING THE BOARD TO DELEGATE ITS AUTHORITY TO APPROVE OR DENY REQUESTS FOR TIME EXTENSIONS. THESE REQUESTS ARE FROM COMPANIES THAT WANT MORE TIME TO SUBMIT THEIR CERTIFICATION FORMS. STAFF RECOMMENDS DELEGATING THIS AUTHORITY TO THE EXECUTIVE DIRECTOR, WITH THE INTENT THAT THE EXECUTIVE DIRECTOR WOULD DELEGATE THE AUTHORITY TO THE DEPUTY DIRECTOR OF THE WASTE PREVENTION AND MARKET DEVELOPMENT DIVISION.

THIS WOULD ALLOW STAFF TIME TO RESPOND QUICKLY TO COMPANIES REQUESTING EXTENSIONS. COMPANIES NOW HAVE 60 DAYS WITHIN WHICH TO SUBMIT THEIR FORMS, AND THE REGULATIONS ALLOW THE BOARD TO GRANT UP TO AN ADDITIONAL 30 DAYS. WE'VE HEARD FROM INDIVIDUAL COMPANIES AND REPRESENTS OF MANUFACTURERS WHICH HAVE A NUMBER OF CONCERNS ABOUT THE 60-DAY TIME FRAME.

NOW, THESE CONCERNS INCLUDE PRODUCT MANUFACTURERS -- AND WHEN I SAY A PRODUCT MANUFACTURER I MEAN THE COMPANIES WHO USE THESE RIGID PLASTIC CONTAINERS -- PRODUCT MANUFACTURERS MAY HAVE PURCHASED CONTAINERS FROM MULTIPLE CONTAINER MANUFACTURERS, REQUIRING THE COMPLETION OF MANY, POSSIBLY HUNDREDS OF CONTAINER MANUFACTURER CERTIFICATION FORMS FOR A SINGLE PRODUCT CATEGORY.

TWO, PRODUCT MANUFACTURERS MAY HAVE PURCHASED CONTAINERS THROUGH INTERMEDIARIES, THUS MAKING MORE COMPLEX THE ABILITY TO APPROPRIATELY IDENTIFY THE CORRECT CONTAINER MANUFACTURER OR MANUFACTURERS TO COMPLETE THE CONTAINER MANUFACTURER CERTIFICATION FORM.

THREE, CONTAINER MANUFACTURERS PERHAPS PREVIOUSLY UNAWARE OF THE RPPC PROGRAM DID NOT MAINTAIN RECORDS IN A FASHION TO READILY RETRIEVE INFORMATION TO COMPLETE THE CONTAINER MANUFACTURER CERTIFICATION FORMS.

FOUR, CONTAINER MANUFACTURERS ARE PHYSICALLY LOCATED IN JAPAN, CANADA, OR OTHER COUNTRIES.

FIVE, CONTAINER MANUFACTURERS MAY BE SWAMPED WITH FORMS FROM MANY COMPANIES THAT ARE BEING CERTIFIED.

AND, SIX, THAT IT MAY BE OTHERWISE DIFFICULT TO PERSUADE CONTAINER MANUFACTURERS TO COMPLETE THE FORMS IN A TIMELY MANNER.

IN THE AGENDA ITEM STAFF LISTED THREE OPTIONS FOR YOUR CONSIDERATION. THE FIRST WAS TO APPROVE THE STAFF

RECOMMENDATION TO DELEGATE AUTHORITY TO THE EXECUTIVE DIRECTOR TO APPROVE OR DENY EACH REQUEST FOR AN EXTENSION.

THE SECOND WAS TO DELEGATE ONLY THE AUTHORITY TO APPROVE EACH EXTENSION REQUEST, BUT NOT DENY REQUESTS. THAT WOULD REST WITH THE BOARD.

AND THE THIRD OPTION WOULD BE NOT TO DELEGATE ANY AUTHORITY TO STAFF. THE BOARD THEN WOULD HEAR EACH REQUEST ON AN INDIVIDUAL BASIS.

NOW, A FOURTH OPTION WHICH HAS BEEN DISCUSSED SINCE THE AGENDA ITEM WAS PREPARED IS TO GRANT A BLANKET 30-DAY EXTENSION FOR PRODUCT MANUFACTURERS REQUESTING AN EXTENSION THAT MEET SPECIFIED CRITERIA.

FOR EXAMPLE, THE BOARD MIGHT WISH TO IDENTIFY PRODUCT MANUFACTURERS THAT ARE HAVING DIFFICULTY OBTAINING CONTAINER MANUFACTURER CERTIFICATION FORMS AS ELIGIBLE FOR EXEMPTION. AS I PREVIOUSLY MENTIONED, WE ARE AWARE OF MANY REASONS WHY PRODUCT MANUFACTURERS ARE HAVING DIFFICULTY OBTAINING THESE FORMS.

OUR RECOMMENDATION REGARDING THIS PORTION OF THE ITEM IS THAT THE BOARD ADOPT BASICALLY TWO OPTIONS, THIS FOURTH OPTION AND THE FIRST OPTION. THE FOURTH OPTION WOULD BE A BLANKET EXTENSION FOR PROBLEMS RELATED TO OBTAINING CONTAINER MANUFACTURER CERTIFICATION FORMS, AND THE FIRST OPTION WOULD BE TO DELEGATE AUTHORITY TO GRANT OR DENY EXTENSIONS FOR ANY OTHER REASONS.

AND THAT CONCLUDES THE FIRST PART OF THE AGENDA ITEM REGARDING EXTENSIONS.

*FEMALE VOICE: PERHAPS, JOHN, LET ME JUST INTERJECT HERE FOR A MINUTE.

THE FOURTH OPTION HAD ORIGINALLY BEEN DISCUSSED AS A REQUEST FOR A BLANKET EXTENSION THAT WOULD BE GRANTED FOR ALL PRODUCT MANUFACTURERS, SO THAT INSTEAD OF WORKING OFF THE 60-DAY CLOCK WE WOULD BE WORKING OFF A 90-DAY CLOCK. AND THIS WOULD GREATLY ALLEVIATE THE STAFF WORKLOAD IN TERMS OF PROCESSING ALL THE EXTENSION REQUESTS COMING IN, MAKING DETERMINATIONS, AND THEN PROVIDING THE RESPONSES BACK OUT.

HOWEVER, BASED UPON A LEGAL REVIEW OF THE STATUTE IT WAS DETERMINED THAT THE BOARD DOES NOT HAVE THE AUTHORITY TO GRANT AN ACROSS-THE-BOARD EXTENSION, THAT THE EXTENSION NEEDS TO BE FOR SPECIFIED REASONS. THUS, THE SUGGESTION BY JOHN THAT THE SPECIFIED REASON BE PERTAINING TO THE CONTAINER MANUFACTURER CERTIFICATION FORM.

AND I'LL ASK JOHN TO CONTINUE NOW.

*[END OF T-3, SIDE B; SOUNDS LIKE A LOT OF TEXT IS MISSING, ESPECIALLY JOHN'S CONTINUED PRESENTATION???]

*FEMALE VOICE: -- FOR CERTAIN REASONS. SO, FOR EXAMPLE, THE STATUTE SAYS ONE OF THE REASONS THAT YOU CAN GET AN EXTENSION IS CORPORATE ACQUISITIONS OR CORPORATE REORGANIZATIONS. IF YOU WANT TO DO A BLANKET EXTENSION ON 30 DAYS FOR THOSE PARTICULAR REASONS, THAT'S FINE.

THE STATUTE ALSO SAYS "OR OTHER CRITERIA DEEMED ACCEPTABLE UPON THE BOARD'S EVALUATION." SO, IF YOU WANT TO

SPECIFY TODAY, SUCH AS SOME OF THE REASONS THAT JOHN BASICALLY WENT THROUGH, THAT YOU WOULD GIVE A BLANKET TO ANY OR ALL OF THOSE, THAT'S FINE TOO.

BUT, THE STATUTE BASICALLY IS FAIRLY SPECIFIC IN SAYING THAT YOU HAVE TO BASICALLY GET YOUR CRITERIA OUT IN TERMS OF DEALING WITH THAT EXTENSION.

*MALE VOICE: IT WAS REALLY DISCUSSION THAT I HAD WITH STAFF THAT I THOUGHT THAT RATHER THAN TAKE UP BOTH THE BOARD'S TIME AND ANY OF THE EXECUTIVE DIRECTOR'S TIME, OR THE STAFF TIME -- THIS IS A NEW PROGRAM, IT'S FIRST OUT OF THE BOX, WE SHOULDN'T BE TRYING TO PULL THE CURTAIN DOWN QUICKLY, THAT WE SHOULD HAVE SOME MECHANISM BY WHICH WE EXPERIMENT AND GO THROUGH IN SETTING UP THE CRITERIA.

WITH THE EXCEPTION THAT IGNORANCE OF THE LAW IS NO EXCUSE, IT'S A BASIC PRINCIPLE. SO THE FACT THAT THEY WEREN'T AWARE OF IT I DON'T THINK IS A CRITERIA THAT I'M PREPARED....

BUT, I THINK THAT IN TERMS OF THE OVERALL WORKLOAD IT JUST MAKES SENSE TO SOMEHOW CRAFT SOMETHING AS WE GO THROUGH WITH THE INDUSTRY AND THOSE WHO ARE PART OF THAT 500 TO HAVE SOME WAY TO JUST SAY, LOOK IT, YOU'VE GOT AN EXTRA 30 DAYS WHILE YOU CAN GET IT TOGETHER, THEN WE WILL LOOK AT THE STUFF. IT JUST MAKES GOOD ADMINISTRATIVE SENSE, IT MAKES GOOD POLICY SENSE, AND IT MAKES GOOD POLITICAL SENSE, AS WELL. AND, SO THAT WAS THE WHOLE UNDERPINNINGS.

AND I THINK WE PROBABLY COULD CRAFT SOMETHING, COULD WE NOT --

*FEMALE VOICE: UM-HUM.

*MALE VOICE: -- IN TERMS OF BEING ABLE TO *(INDISC/INAUD) A BLANKET, BUT JUST AN ADDITIONAL 30 DAYS? BUT THAT WOULD BE UP TO THE OTHER BOARD MEMBERS, AS WELL.

*FEMALE VOICE: AND I THINK AS OPPOSED TO CALLING IT BLANKET, WHAT YOU MIGHT WANT TO SAY IS, IS THAT THE BOARD UNDERSTANDS THAT THERE'S BEEN SOME CONSISTENCY IN TERMS OF THE REASONS THAT PEOPLE ARE NOT COMPLYING. AND, SO FOR THE FOLLOWING REASONS THE BOARD WILL BASICALLY GIVE AN EXTENSION FOR THOSE.

I HAVE TO SAY THAT A COUPLE OF THE ONES THAT JOHN BROUGHT UP I'M NOT SURE ARE RESOLVABLE IN 30 DAYS. AND SO I THINK THAT YOU HAVE THE LEGISLATIVE WHEREWITHAL TO GIVE THE EXTENSION FOR 30 DAYS ON THOSE, BUT YOU MIGHT WANT TO AT LEAST THINK ABOUT THE FACT THAT -- FOR INSTANCE, IF THE CONTAINER MANUFACTURER DIDN'T MAINTAIN RECORDS 30 MORE DAYS TO DEAL WITH THAT'S PROBABLY NOT GOING TO FIX THE PROBLEM.

SO, I MIGHT JUST ASK YOU THAT YOU CONSIDER AT LEAST IF YOU WANT TO DO THAT, WHETHER ALL OF THOSE ARE THINGS YOU WANT TO EXTEND FOR. AND I DO THINK YOU COULD EXTEND FOR ALL OF THEM, BECAUSE IT'S -- IF THAT'S THE CRITERIA THAT YOU DEEM IMPORTANT THEN THAT'S FINE, UNDER THE STATUTE.

*FEMALE VOICE: I JUST WANT TO GET ONE MORE THING ON THE RECORD, BECAUSE I DID COMMIT TO RAISE THIS ISSUE AS WELL. THERE IS ALSO MANY OTHER UNRESOLVABLE ISSUES, AND THE EXAMPLE

I'D LIKE TO GIVE -- BECAUSE YOU'LL CERTAINLY BE HEARING FROM THESE FOLKS -- ARE DISTRIBUTORS WHO ARE CONSIDERED, IF THEIR NAME IS ON THE LABEL OF A PRODUCT, TO BE THE PRODUCT MANUFACTURER UNDER THE LAW AND THE REGULATIONS, AND YET THEY HAVE NO RELATIONSHIP TO THE CONTAINER MANUFACTURER AT ALL, THEY ARE NOT IN REALITY THE PRODUCT MANUFACTURER OF THE ACTUAL PRODUCT, AND THEREFORE THEY HAVE ABSOLUTELY NO LINK TO BE ABLE TO IDENTIFY WHAT CONTAINER MANUFACTURERS TO PURSUE. SO, AS A DISTRIBUTOR, THEY ARE IN A VERY DIFFICULT POSITION FOR COMPLIANCE.

CHAIRMAN PENNINGTON: I'M WONDERING, THOUGH, WHILE I AGREE WITH MR. EATON, THAT THE BLANKET SEEMS TO BE THE ANSWER TO IT, PARTICULARLY FROM A STAFF TIME -- BUT, ARE YOU GOING TO HAVE TO STILL GO THROUGH AND DECIDE WHETHER THEY MEET THIS CRITERIA?

*FEMALE VOICE: WE WOULD STILL NEED TO ACCEPT THE EXTENSION REQUEST, WE WOULD STILL NEED TO GET POTENTIALLY A REQUEST, IF IT WAS CRAFTED -- AND EXCUSE ME IF I'M CONFUSED -- IF IT WAS CRAFTED SUCH THAT IT WOULD HAVE TO MEET SPECIFIC CRITERIA IN ORDER TO FALL UNDER THE BLANKET EXTENSION THEN, YES, WE WOULD HAVE TO REVIEW IT.

BUT, IF THERE WAS SOME OTHER WAY, AS KATHERINE* WAS STATING, TO CRAFT IT SUCH THAT FOR THE FOLLOWING REASONS IT WAS GRANTED ACROSS THE BOARD, THEN WE WOULD NOT.

*FEMALE VOICE: *(PRESUMED TO BE KATHERINE). AND I GUESS THAT'S WHAT I'M SAYING, IS THAT I THINK GIVEN THE STATUTE WHERE IT SAYS "OTHER CRITERIA DEEMED ACCEPTABLE," THAT IF YOU HAVE A LIST THEN THAT'S FINE. WHAT I DON'T THINK IS OKAY IS JUST TO SAY LET'S JUST GIVE EVERYBODY A 30.

*MALE VOICE: CORRECT.

*FEMALE VOICE: OKAY.

*MALE VOICE: *(EATON?) SO, IN OTHER WORDS, IF YOU HAD A LIST OF FIVE OR SIX THINGS, YOU GO DOWN THE FIVE OR SIX THINGS, IF IT'S THERE --

*MALE VOICE: RIGHT.

*MALE VOICE: -- IT'S GONE. IF NOT, IT'S NOT. IT'S THAT SIMPLE.

CHAIRMAN PENNINGTON: DO WE HAVE SOME TIME TO CRAFT THIS LEGAL EXTENSION, THE WORDS, THE CRITERIA? I MEAN, WHEN DOES THIS 30 DAYS HAVE TO BE --

*[TAPE GOES DEAD, DON'T KNOW WHAT'S LOST]

-- WHEN ARE WE RUNNING OUT OF TIME?

*FEMALE VOICE: THE 30 DAYS WOULD NEED TO BEGIN UPON THE CONCLUSION OR PRIOR TO THE CONCLUSION OF THEIR 60-DAY CLOCK, WHICH WILL BE SOMEWHERE AROUND SEPTEMBER 7TH, 6TH, 7TH, IT ALL DEPENDS UPON WHEN THEY ACTUALLY RECEIVED THE ORIGINAL CERTIFICATION.

WHAT WE WOULD PROPOSE IS THAT FOR THE REASONS CONTAINED ON PAGE 17-4 OF YOUR PACKET, THAT THOSE BE CONSIDERED REASONS FOR GRANTING OF THE EXTENSION, TIME EXTENSION. THERE MAY BE ADDITIONAL REASONS THAT INDIVIDUALS THAT WILL BE SPEAKING ON THIS ITEM MAY RAISE, OR THAT YOU MAY

WISH TO ADD YOURSELVES.

CHAIRMAN PENNINGTON: OKAY. SHALL WE HEAR FROM THE PUBLIC ON THIS NOW?

*FEMALE VOICE: WOULD YOU LIKE US TO GO TO THE SECOND PART OF THE ITEM OR WOULD YOU LIKE TO TAKE COMMENT ON THIS PART RIGHT NOW?

CHAIRMAN PENNINGTON: I THINK WE'D LIKE TO HEAR WHAT THEY HAVE TO SAY ABOUT THIS PART.

LANCE HASTINGS*.

MR. HASTINGS: THANK YOU, MR. CHAIRMAN AND MEMBERS. LANCE HASTINGS FROM THE GROCERY MANUFACTURERS OF AMERICA.

WE LIKE WHAT WE'RE HEARING NOW BECAUSE THERE IS A RECOGNITION THAT THERE IS DIFFICULTY IN MEETING THAT FIRST 60-DAY TIME CLOCK, AND THE REASONS ARE VARIED. BUT MOST PREDOMINANT AMONG THEM IS THE ABILITY TO CAPTURE INFORMATION FROM OUR CONTAINER MANUFACTURERS, PUT IT IN A FORM THAT'S ACCEPTABLE TO THE BOARD, AND COMMUNICATING THAT TO PRICE WATERHOUSE.

THE CONCERN I HAVE, OR AT LEAST I CAN RECOGNIZE WITH THIS 30-DAY TIME EXTENSION ISSUE, IF IN FACT YOU GO DOWN THE FIVE REASON OR BLANKET APPROACH -- IS THAT THE CLOCK IS WINDING DOWN RIGHT NOW, AND THERE ARE PRODUCT MANUFACTURERS ARE SCRAMBLING TO GET THE DATA TOGETHER. AND IF THEY ARE GOING TO RECEIVE AN EXTRA 30 DAYS, AS QUICKLY AS WE CAN COMMUNICATE THAT TO THEM WOULD BE HELPFUL RATHER THAN GETTING A NOTE ON SEPTEMBER 1ST, OH, BY THE WAY, YOU HAVE AN ADDITIONAL 30 DAYS IF YOU MEET THESE FIVE CRITERIA, OR ONE OF THESE FIVE. IT'LL KIND OF START AND STOP THE PROCESS IN A MORE, I GUESS, A CUMBERSOME AND AWKWARD FASHION.

BUT, I DON'T KNOW HOW YOU GO ABOUT THAT. WE HAD SOME DIFFICULTY GETTING THE CERTIFICATION FORMS TO THE PROPER ENTITY IN THE FIRST PLACE, SO IF YOU USE YOUR EXISTING DATABASE TO COMMUNICATE THAT 30-DAY EXTENSION AVAILABILITY THAT SHOULD PROBABLY BE EXPEDITED TO BE EFFECTIVE.

BUT, I JUST SEE THAT AS A -- PERHAPS A FOIBLE OF WHAT YOU'RE DISCUSSING NOW. BUT, CERTAINLY THE 30 DAYS WILL BE HELPFUL. I'M NOT CERTAIN THAT ALL OF THE PROBLEMS COULD BE ADDRESSED WITHIN THAT FIRST 30 DAYS, BUT IT'S CERTAINLY A STEP IN THE RIGHT DIRECTION.

CHAIRMAN PENNINGTON: OKAY. VERY GOOD.

MR. POLLACK*, RANDY POLLACK.

MR. POLLACK: RANDY POLLACK, ON BEHALF OF THE SOAP AND DETERGENT ASSOCIATIONS.

MR. CHAIRMAN AND MEMBERS OF THE BOARD, MY SENTIMENTS ARE WITH LANCE ON THAT, AND I WON'T TAKE MUCH MORE TIME ON THIS ISSUE. WE APPRECIATE THE WAY THE BOARD IS DIRECTING THIS ISSUE AND LOOK FORWARD TO WORKING WITH THEM IN THE FUTURE ON THIS ISSUE. THANK YOU.

CHAIRMAN PENNINGTON: ALL RIGHT, GREAT. THANK YOU.

ANY QUESTIONS? OKAY, LET'S GO ON TO NUMBER TWO.

MR. NUFFER: THE SECOND HALF OF THE ITEM RELATES TO THE RETENTION OF RECORDS. STAFF IS ASKING THE BOARD TO

REQUIRE THOSE 500 COMPANIES TO WHICH WE SENT CERTIFICATION FORMS TO RETAIN THEIR RECORDS FOR AN ADDITIONAL YEAR BEYOND THE TWO YEARS REQUIRED BY LAW. AND THIS WILL GIVE THE BOARD THE FLEXIBILITY TO REQUEST ADDITIONAL SUPPORTING DOCUMENTATION AND/OR CONDUCT AUDITS IF YOU SO CHOOSE.

AND I SHOULD SAY THAT THE REGULATIONS ALLOW -- OR, REQUIRE COMPANIES TO MAINTAIN RECORDS AT LEAST TWO YEARS.

AND STAFF INTENDS TO PRESENT A FORMAL REPORT TO YOU, AS I SAID, ON OCTOBER 21ST.

AND, BASED ON OUR FINDINGS, YOU MAY OR MAY NOT WISH TO SEEK ADDITIONAL DOCUMENTATION OR CONDUCT AUDITS. IF YOU CHOOSE TO DO ONE OR BOTH OF THESE WE WOULD ONLY HAVE NOVEMBER AND DECEMBER OF THIS YEAR TO DO THAT. AND COMPANIES ARE ONLY REQUIRED TO RETAIN THEIR RECORDS FROM 1996 THROUGH THE END OF THIS YEAR.

SO, OUR RECOMMENDATION TO YOU IS TO REQUIRE THAT COMPANIES THAT WE'RE CERTIFYING RETAIN THEIR RECORDS FOR ONE MORE YEAR. AND THAT CONCLUDES MY PRESENTATION.

CHAIRMAN PENNINGTON: OKAY. ANY QUESTIONS ON THAT?

ALL RIGHT. DO YOU GENTLEMEN HAVE ANYTHING TO ADD TO THAT? MR. HASTINGS.

MR. HASTINGS: LANCE HASTINGS, GROCERY MANUFACTURERS OF AMERICA AGAIN.

WE MET WITH THE BOARD STAFF AND TALKED ABOUT THIS ISSUE SPECIFICALLY. WE DO HAVE SOME CONCERNS IN THAT THE UNIVERSE OF CALIFORNIA COMPANIES THAT WOULD BE SINGLED OUT FOR REQUIRING THE RETENTION OF THEIR INFORMATION WILL BE JUST TO THAT UNIVERSE THAT RECEIVED A COMPLIANCE FORM, AND PERHAPS EVEN FURTHER CULLED DOWN TO THE LIST OF THE COMPANIES THAT YOU MAY BE INTERESTED IN AUDITING, IF THAT IS A PATH THAT YOU PURSUE.

I'D LIKE TO WAIT UNTIL YOU RECEIVE SOME PRELIMINARY INFORMATION BACK FROM PRICE WATERHOUSE, BEFORE YOU GO DOWN THAT PATH, IN TERMS OF REQUIRING ANY ADDITIONAL INFORMATION. BUT WE DO RECOGNIZE THE LIMITATIONS WITH YOUR ABILITY TO REVIEW THE DOCUMENTATION FROM PRODUCT MANUFACTURERS INTO THE NEXT YEAR.

BUT, IT MAY BE PREMATURE, I'M GLAD WE'RE DISCUSSING IT NOW AT LEAST AT THIS POINT, RECOGNIZING THAT THE CLOCK, 1998, IS RUNNING OUT.

CHAIRMAN PENNINGTON: MR. POLLACK.

MR. POLLACK: RANDY POLLACK ON BEHALF OF THE SOAP AND DETERGENT ASSOCIATION.

I ALSO AGREE WITH LANCE IN THE COMMENTS HE JUST MADE.

BUT, ADDITIONALLY, I'D LIKE TO RAISE THE POINT THAT I AM UNCERTAIN AT THIS TIME WHETHER THE BOARD COULD DIRECT COMPANIES TO KEEP THEIR RECORDS BEYOND THE TWO-YEAR PERIOD. I KNOW IT SAYS IN THE REGULATIONS AT LEAST, BUT I DO NOT BELIEVE THAT THAT GIVES THE BOARD DISCRETION TO EXTEND THAT PERIOD TO A TIME IT DEEMS APPROPRIATE.

SO, I WOULD AGREE WITH LANCE, AND MAYBE THIS

ISSUE BE POSTPONED UNTIL THE NEXT BOARD MEETING SO THIS COULD FURTHER BE LOOKED INTO.

*MALE VOICE: AREN'T THESE RECORDS SUBJECT TO THE IRS?

*FEMALE VOICE: DON'T YOU HAVE TO MAINTAIN YOUR RECORDS ANYWAY?

*MALE VOICE: FOR SEVEN YEARS?

MR. POLLACK: I'M SAYING WHAT OUR CORPORATE RETENTION POLICY IS, IT VARIES AMONG COMPANIES. AND WHAT I AM SAYING -- AND I'M LOOKING AT THE REGULATIONS, AND WHAT THE REGULATIONS PROVIDE, IS THAT YOU KEEP YOUR RECORDS AT LEAST TWO YEARS. I DON'T BELIEVE THAT LANGUAGE ENTITLES THE BOARD -- OR, I'M UNCERTAIN AT THIS TIME WHETHER THE BOARD HAS THE DISCRETION TO EXTEND THAT PERIOD.

BECAUSE ONE OF THE ISSUES IT RAISED, ONE, ARE YOU GOING TO REQUIRE ONLY THE RECORD RETENTION FOR ONLY THOSE COMPANIES THAT HAVE BEEN AUDITED? THAT'S DISCRIMINATORY IN NATURE, BECAUSE YOU HAVE A WHOLE UNIVERSE OF COMPANIES OUT HERE WHO ARE SUBJECT TO THESE PROVISIONS.

*MALE VOICE: BUT AT SOME POINT YOU'VE GOT TO BE WORKING WITH US, BECAUSE DON'T --

MR. POLLACK: NO, I AGREE --

*MALE VOICE: -- DON'T PUT IS IN A POSITION WHERE YOU FORCE THE ISSUE WHERE WE SAY, FINE, WE JUST WANT ALL YOUR RECORDS AT TWO YEARS. I MEAN, THAT'S WHERE YOU'VE GOT TO GO, YOU CAN'T HAVE IT BOTH WAYS.

MR. POLLACK: THAT'S WHY WE WANT TO HAVE DISCUSSION ON THIS MATTER FURTHER. THAT'S THE WAY WE WOULD LIKE TO APPROACH IT.

*FEMALE VOICE: WELL, I HAVE TO SAY FROM A LEGAL POINT OF VIEW THAT IF THE REGULATIONS SAY AT LEAST TWO YEARS, AND I THINK THAT -- THE BOARD DECIDES TO HAVE ANOTHER YEAR BECAUSE THE PROGRAM'S NEW, I THINK THAT'S FAIRLY REASONABLE. I THINK IF THE BOARD SAID WE'D LIKE YOU TO KEEP THEM 10 YEARS AND THE REGULATION SAID AT LEAST TWO, THEN IT MIGHT BE GETTING INTO AN UNREASONABLE AND ARBITRARY TYPE OF DECISION.

BUT I'M HARD PRESSED TO FIND ANY ARGUMENT THAT WOULD SAY THAT WE CAN'T BASICALLY CHANGE THAT, IN THE SENSE OF A NEW PROGRAM, AND TRYING TO BASICALLY MAKE SURE THAT WE MEET WHAT THE STATUTE'S CALLED FOR.

MR. POLLACK: AND I UNDERSTAND THE CONCERNS OF THE BOARD, AND THAT'S WHY WE WANT TO WORK WITH YOU ON THIS ISSUE.

I DON'T RAISE THIS IN A COMPETITION WITH THE BOARD, I'M JUST RAISING THIS -- AS WE HAVE BEEN GOING THROUGH THIS PROCESS OTHER ISSUES ABOUT THE REGULATIONS HAVE BEEN RAISED WHERE THE REGULATIONS HAVE BEEN STRICTLY CONSTRUED.

AND BY LOOKING AT THIS -- AND I'M NOT SAYING WHAT IS THE CORRECT DETERMINATION HERE, I JUST THINK FURTHER INVESTIGATION OF THE ISSUE SHOULD BE LOOKED AT AND BE REPORTED ON AT THE NEXT MEETING. AND, WE'RE WILLING TO WORK WITH THE BOARD ON THIS.

*MALE VOICE: BUT WHAT WOULD THE HARM BE IF THE

STATUTE SAYS AT LEAST TWO YEARS AND WE NOTIFY THEM NOW INSTEAD OF TWO DAYS BEFORE THEY WERE GOING TO PURGE THOSE RECORDS, WOULDN'T WE BE DOING THEM A SERVICE?

MR. POLLACK: ABSOLUTELY. I MEAN, WE WOULD ALL APPRECIATE THE EXTENSION. I MEAN, I THINK IF YOU'RE LOOKING AT THIS AREA -- IF IN ONE AREA WE'RE SAYING THAT YOU CAN ONLY GIVE AN ADDITIONAL 30 DAYS AND NO MORE, BUT IN THIS AREA WE SAY AT LEAST TWO YEARS BUT WE'RE GOING TO GIVE A RETENTION FOR A YEAR -- I MEAN, I THINK WE'VE GOT TO LOOK AT ALL THESE ISSUES TOGETHER WHEN WE'RE LOOKING *(INDISC/INAUD).

WE LOOK AT THIS AREA THAT WE ARE TRYING TO GET THE INFORMATION AS QUICK AS POSSIBLE. AT THE LAST MEETING I BROUGHT UP THE ISSUES OF CONCERN, WHICH WERE REITERATED HERE TODAY. WE WANT TO PROVIDE YOU THE INFORMATION. AND, BUT I'M JUST SAYING THAT THERE IS SOME CONCERN OUT THERE, YOU KNOW, EXACTLY WHAT'S THE INTERPRETATION OF THE REGULATIONS. AND IF YOU'RE GOING TO APPLY IT TO ONE DO YOU NEED TO APPLY IT TO ALL. AND I'M JUST ASKING FOR FURTHER INVESTIGATION OF THAT MATTER.

*FEMALE VOICE: WELL, AND I DON'T WANT TO APPEAR ARGUMENTATIVE, BUT I HAVE TO SAY THAT I THINK THERE'S A BIG DIFFERENCE IN A REGULATION THAT SAYS THAT YOU MAY REQUEST AN EXTENSION UP TO AN ADDITIONAL 30 DAYS AND A REGULATION THAT SAYS AT LEAST TWO YEARS. SO, I DON'T THINK THOSE TWO ARE REALLY COMPARABLE IN TERMS OF LOOKING AT IT AND SAYING IS THERE A DIFFERENCE IN FLEXIBILITY.

ONE SAYS THAT THERE'S A MINIMUM BUT NO MAXIMUM, AND ONE SAYS THERE'S 30 ADDITIONAL DAYS. SO FROM THE LEGAL STANDPOINT I DON'T HAVE A PROBLEM WITH *(INDISC/INAUD) THAT.

MR. POLLACK: I JUST I'D JUST GIVE ONE RESPONSE. BUT I DON'T KNOW IF THERE IS AN UNFETTERED RIGHT FOR THE BOARD TO DETERMINE WHAT LENGTH OF TIME IS APPROPRIATE WITHOUT A PUBLIC HEARING ON THE ISSUE. AND THAT IS WHAT I'M TRYING TO GET AT, THAT MAYBE THERE NEEDS TO BE FURTHER DISCUSSION ON THIS.

*FEMALE VOICE: THIS IS NOT THE PUBLIC HEARING?

MR. POLLACK: THROUGH A REGULATORY PROCESS POSSIBLY.

*FEMALE VOICE: IF A REGULATION SAYS AT LEAST TWO YEARS I DON'T THINK YOU NEED TO EXTEND TO -- TO EXTEND IT I DON'T THINK YOU HAVE TO CHANGE THE REGULATION.

*[THE PARTIES SIMULTANEOUSLY SPEAK.]

CHAIRMAN PENNINGTON: I GUESS I'M NOT SURE I UNDERSTAND ALL THIS. YOU'VE GOT THEM IN A BOX, WHY NOT KEEP THEM ANOTHER YEAR? I MEAN, KEEP THE BOX, KEEP THEM THERE. I MEAN, COME ON --

MR. POLLACK: I'M NOT SAYING THAT -- YOU KNOW, A LOT OF TIMES THE CORPORATE RETENTION POLICIES ARE FOR A LONGER PERIOD OF TIME. BUT, I'M JUST RAISING AN ISSUE HERE THAT HAS BEEN SOME CONCERN OUT THERE. WHEN YOU LOOK AT THE REGULATIONS, AND IF YOU'RE GOING TO TALK ABOUT THE UNIVERSE, HOW ARE THOSE FOLKS GOING TO KNOW ABOUT THAT, IF THEY'RE SUPPOSED TO KEEP THEIR RECORDS FOR LONGER THAN TWO YEARS?

I THINK THE ONLY WAY TO DO THAT IS MAYBE THROUGH AMENDING THE REGULATION. I MEAN, HOW DO PEOPLE KNOW THAT, IF WE'RE GOING TO DO THAT IN A UNIVERSAL STANDARD?

*FEMALE VOICE: THEY'RE GOING TO GET A LETTER.

CHAIRMAN PENNINGTON: YEAH, THEY'LL GET A LETTER, AND HOPEFULLY YOU WILL TELL THEM TOO.

MR. POLLACK: BUT THAT'S ONLY THE 500, THOUGH, THAT YOU'RE TALKING ABOUT. I MEAN, ARE YOU NARROWING THIS TO ONLY THOSE 500 WHO HAVE BEEN AUDITED?

*FEMALE VOICE: THE STAFF RECOMMENDATION IS TO FOCUS THE RECORD RETENTION EXTENSION PERIOD ONLY TO THOSE THAT RECEIVED THE RANDOM CERTIFICATIONS, SINCE THOSE ARE THE ONLY - - THAT IS THE UNIVERSE, THE POTENTIAL POOL THAT THE BOARD MAY CHOOSE TO PURSUE FOR AUDIT OR ENFORCEMENT PURPOSES.

AND, AS INFORMATION, WE DID A QUESTION AND ANSWER SHEET LABELED NUMBER ONE APPROXIMATELY TWO TO THREE WEEKS AGO. ONE OF THE QUESTIONS THAT WE RECEIVED WAS HOW LONG MUST I RETAIN MY RECORDS. AND IN THAT Q AND A SHEET THAT WENT OUT TO ALL 500 RECIPIENTS OF THE CERTIFICATION FORM THE ANSWER WAS AT LEAST TWO YEARS, AND THE BOARD MAY CHOOSE TO EXTEND THIS. SO, WE TRIED TO PROVIDE SOME INITIAL NOTIFICATION TO THOSE 500 PRODUCT MANUFACTURERS THAT THIS MAY BE AN ISSUE THAT THE BOARD MAY CONSIDER AT A FUTURE DATE.

CHAIRMAN PENNINGTON: OKAY. VERY GOOD. THANK YOU.

MR. POLLACK: THANK YOU.

CHAIRMAN PENNINGTON: QUESTIONS? ANY QUESTIONS?

WHAT'S YOUR PLEASURE, DO YOU WANT TO DO IT ALL IN ONE MOTION, OR DO YOU WANT TO DO IT IN TWO MOTIONS?

*MALE VOICE: PROBABLY TWO MOTIONS, I WOULD THINK, FOR CLARITY PURPOSES.

CHAIRMAN PENNINGTON: WHAT WOULD OUR COUNSEL LIKE US TO DO?

*FEMALE VOICE: I THINK YOU COULD DO IT EITHER WAY. IT MIGHT BE MORE CLEAR IF YOU DID IT IN TWO MOTIONS.

CHAIRMAN PENNINGTON: OKAY. I'M READY TO ENTERTAIN THOSE. OKAY, I'LL MOVE ADOPTION OF RESOLUTION 98-281, TO DELEGATE AUTHORITY TO THE EXECUTIVE DIRECTOR OR HIS DESIGNATEE *(SIC) TO APPROVE OR DENY EXTENSION REQUESTS SUBMITTED BY THE PRODUCT MANUFACTURERS.

AND, TWO, TO EXTEND THE RECORD RETENTION REQUIREMENT AS RECOMMENDED BY STAFF.

*MALE VOICE: MR. CHAIRMAN, THERE IS NO DELEGATION, THIS WOULD BE JUST A SIMPLE BOARD ACTION, IT'S MY UNDERSTANDING, IF THERE WERE SELECTED CRITERIA. IS THAT CORRECT? I JUST WANT TO MAKE SURE THAT WE'RE ON THE RIGHT GROUND.

CHAIRMAN PENNINGTON: OH, OKAY, I'M SORRY. I'M SORRY, YOU ARE RIGHT.

*MALE VOICE: *(INDISC/INAUD)

*MALE VOICE: YEAH, JUST AS A --

CHAIRMAN PENNINGTON: WE WANT TO DO THE 30-DAY BLANKET, RIGHT?

*MALE VOICE: NO, 30-DAY EXTENSION ALONG CRITERIA THAT THE BOARD HAS DEEMED --

CHAIRMAN PENNINGTON: OKAY, I'LL REPHRASE MY MOTION.

*MALE VOICE: -- ACCEPTABLE, I THINK.

CHAIRMAN PENNINGTON: I'M SORRY, I WAS --

*MALE VOICE: YEAH, WE'VE HAD SO MUCH PAPER TODAY IT'S --

CHAIRMAN PENNINGTON: YEAH. I'LL MOVE THAT WE ADOPT A 30-DAY EXTENSION FOR THOSE FIRMS THAT MEET THE CRITERIA DEVELOPED BY STAFF AND LEGAL STAFF.

AND I'LL ALSO MOVE TO EXTEND THE RECORD RETENTION REQUIREMENTS AS RECOMMENDED BY THE STAFF.

*MALE VOICE: I'LL SECOND IT.

*FEMALE VOICE: MR. CHAIR, I HEARD STAFF INDICATE TWO -- ACTUALLY, THREE OTHER REASONS TO EXTEND: THAT THE CONTAINER MANUFACTURERS WERE OVERSEAS, THAT THE CONTAINER MANUFACTURERS ARE SWAMPED, AND THAT IT'S OTHERWISE DIFFICULT TO GET THE CONTAINER MANUFACTURERS TO COMPLY.

I HAVE TO SAY THAT I DON'T THINK THAT IT'S OTHERWISE DIFFICULT TO GET THE CONTAINER MANUFACTURERS TO COMPLY IS PROBABLY A LEGITIMATE EXTENSION IF IT'S JUST -- IF IT'S NOT -- THERE'S NO REASON GIVEN.

HOWEVER, I GUESS I WOULD ASK EITHER STAFF OR THE BOARD WHETHER THEY WANT TO INCLUDE THOSE OTHER TWO REASONS, OF BEING OVERSEAS OR THAT THERE IS SOME KIND OF -- YOU KNOW, THERE'S CONTAINER MANUFACTURERS WHO ARE GETTING SO MANY REQUESTS THAT THEY CAN'T DO IT.

I DON'T KNOW, JOHN, DO YOU NEED TO ADD TO THAT?

MR. NUFFER: YES. I THINK I WOULD LIKE TO ADD THOSE TWO, BASED ON MY CONVERSATIONS WITH COMPANIES.

CHAIRMAN PENNINGTON: AS MY MOTION ADDRESSES, THAT THERE WOULD BE THE CRITERIA DEVELOPED BY STAFF AND LEGAL COUNSEL.

*FEMALE VOICE: OKAY. SO WE BASICALLY NOW HAVE FIVE CRITERIA, AS I UNDERSTAND IT: MULTIPLE CONTAINER MANUFACTURERS, PURCHASED THROUGH INTERMEDIARIES, CONTAINER MANUFACTURERS DIDN'T MAINTAIN RECORDS, CONTAINER MANUFACTURERS ARE OVERSEAS, AND THAT CONTAINER MANUFACTURERS ARE SWAMPED.

*MALE VOICE: WAIT A MINUTE --

*FEMALE VOICE: *(NOT SAME FEMALE AS ABOVE). AS WE ARE, TOO.

CHAIRMAN PENNINGTON: AND FOR THOSE WHO DIDN'T MAINTAIN RECORDS, I WANT THEM TO KEEP THEM FOR ANOTHER YEAR.

*MALE VOICE: I WOULD JUST, TO QUICKLY -- I DON'T MEAN TO BELABOR IT, BUT THE POINT ABOUT NOT HAVING RECORDS, A 30-DAY EXTENSION IS SORT OF ILLOGICAL SINCE THEY DON'T HAVE IT. SO I WOULD JUST ASK THAT THAT BE EXCLUDED.

*[THE PARTIES SIMULTANEOUSLY SPEAK.]

CHAIRMAN PENNINGTON: -- GIVE THEM 30 DAYS TO FIND THEM.

*MALE VOICE: THE OTHER ONE, IN TERMS OF SWAMPED, THAT TOO, I THINK THAT PROBABLY IF THEY MET SOME OF THE OTHER

CRITERIA THAT WOULD BE FAIR. THOSE TWO DON'T SEEM TO BE ACTUALLY REASONABLE.

CHAIRMAN PENNINGTON: *(INDISC/INAUD)

*[THE PARTIES SIMULTANEOUSLY SPEAK.]

*MALE VOICE: BUT, YOU KNOW, MAYBE THE EASIEST WAY TO DO IT IS JUST TO PUT THE THREE IN. AND I'M SURE WE'LL HAVE MORE EXCUSES AND REASONS AS THE WEEK GOES BY, AND SO MAYBE WE CAN TAKE IT UP THE NEXT TIME AND WE'LL HAVE ANOTHER MOTION.

*FEMALE VOICE: THE NEXT MEETING WILL BE PAST THE --

*[THE PARTIES SIMULTANEOUSLY SPEAK.]

*MALE VOICE: *(INDISC/INAUD)

*FEMALE VOICE: -- SO WHAT WE WOULD REQUEST IS THAT, AS A PART OF YOUR MOTION, THAT YOU INCLUDE AS WELL A DELEGATION TO THE EXECUTIVE DIRECTOR TO CONSIDER ANY OTHER REQUESTS THAT DO NOT FIT WITHIN THIS. BECAUSE, I DO NOT BELIEVE -- WE WILL NOT HAVE THE OPPORTUNITY TO BRING ANY ADDITIONAL EXTENSION REQUESTS TO YOU PRIOR TO THE CONCLUSION OF THE 60-DAY CLOCK, GIVEN THAT THE NEXT BOARD MEETING IS SCHEDULED FOR SEPTEMBER 10TH.

*MALE VOICE: SO WE WOULD EXCLUDE THREE AND FIVE, SWAMPED AND DON'T HAVE RECORDS. AND MAYBE ADD A FOURTH -- BECAUSE THEN WE WOULD BE DOWN TO THREE -- OR OTHER REASONS THE EXECUTIVE DIRECTOR, BASED UPON A DELEGATION, WOULD DEEM APPROPRIATE AND CONSISTENT WITH --

*FEMALE VOICE: THE REGULATIONS.

*MALE VOICE: -- THE REGULATIONS.

*FEMALE VOICE: BECAUSE BASICALLY --

*[THE PARTIES SIMULTANEOUSLY SPEAK.]

*MALE VOICE: -- THAT SOLVES SOME OF, I THINK, STAFF'S PROBLEM AS WELL AS --

CHAIRMAN PENNINGTON: I THINK MR. HASTINGS WANTS TO COMMENT ON THE NOT HAVING RECORDS.

MR. HASTINGS: IF I MAY? IF YOU WOULD INDULGE ME FOR JUST A MOMENT?

THE REASON I HAVE DIFFICULTY WITH THE CONTAINER SIDE IS THE CONTAINER MANUFACTURERS NOT KEEPING THEIR RECORDS OR ACCESSING THEIR RECORDS, NOT THE PRODUCT MANUFACTURER. AND I THINK THAT NEEDS TO BE A DISTINCTION RECOGNIZED.

YOU'RE RIGHT, THE 30 DAYS IS NOT GOING TO GIVE ANYBODY ANY MORE TIME IF THEY DON'T HAVE THE RECORDS. BUT, GETTING THEM FROM ONE SOURCE, COMPILING THEM FOR OUR PURPOSES TO SUBMIT TO PRICE WATERHOUSE, THEREIN LIES THE DELAY THAT WE'RE FACING.

SO, I THINK THAT THE LACK OF ABILITY TO GARNER THE INFORMATION FROM THE CONTAINER MANUFACTURER IS STILL A LEGITIMATE REASON THAT OUGHT TO BE INCLUDED IN THE LIST.

THEN THE OTHER THAT I RAISED EARLIER IN THE PRESENTATION IS HOW WE COMMUNICATE THIS ONE-TIME EXTENSION TO THE PRODUCT MANUFACTURERS WHO RECEIVED THE FORM. I WOULD LIKE THAT TO BE NOTIFIED TO THEM AS SOON AS POSSIBLE, IN EITHER WRITING FROM THE WASTE BOARD OR SOME OTHER SUFFICIENT WAY, BUT SO THAT THEY FIND OUT WITHIN THE NEXT FEW DAYS THAT THEY HAVE

THIS OPPORTUNITY, WITH THE CRITERIAS *(SIC) AS YOU'VE DETERMINED.

*FEMALE VOICE: IT WOULD BE OUR GOAL TO BE ABLE TO GET A LETTER DRAFTED AND IN THE MAIL TOMORROW AFTERNOON. IF THAT COULD WORK OUT, BASED UPON THE CRITERIA.

*FEMALE VOICE: AND I WOULD LIKE TO ADD, MR. CHAIR, THAT WHEN YOU DELEGATE TO THE EXECUTIVE DIRECTOR THIS TYPE OF AUTHORITY, THAT OTHER CATEGORY THAT MR. EATON PUT IN, THE KIND OF AS PROVIDED BY THE REGULATIONS -- THE REGULATIONS BASICALLY GIVE THREE REASONS: CORPORATE ACQUISITIONS, CORPORATE REORGANIZATIONS, OR CATASTROPHIC ACTS OF GOD.

SO, I WANT TO POINT OUT THAT THE REASONS NEED TO BE -- ONE OF THE REASONS WE WANTED YOU TO SPECIFY TODAY THESE REASONS IS THAT YOU CAN'T JUST OPEN-ENDED DELEGATE TO YOUR ADMINISTRATOR. YOU BASICALLY NEED TO GIVE THEM A FAIRLY CONFINED SPACE TO WORK IN.

SO, IT'S NOT -- YOU KNOW, BY HAVING THAT OTHER CATEGORY IT'S NOT GOING TO BE VERY OPEN, BECAUSE IT'S GOING TO HAVE TO MATCH, IN ESSENCE, SOMETHING IN EITHER THE LIST YOU DID TODAY OR THIS LIST IN THE REGULATIONS.

CHAIRMAN PENNINGTON: OKAY. YES, MR. FRAZEE?

MEMBER FRAZEE: IT'S GETTING LATE, AND I PROBABLY SHOULDN'T GO INTO MY DIATRIBE ON THIS ONE. BUT, THIS JUST POINTS OUT MY WHOLE CONTENTION THAT THIS PROGRAM IS FLAWED FROM THE BEGINNING, THAT IT'S NOTHING BUT AN EXERCISE IN FUTILITY.

IF YOU LOOK FORWARD TO THE NET RESULT OF ALL OF THIS WORK AND -- IT'S GOING TO BE AN INFINITESIMAL SAMPLING OF SOMETHING THAT YOU CAN'T EVEN GET YOUR HANDS ON. AND THEN WE'RE GOING TO ENTER INTO AN ENFORCEMENT PROGRAM BASED ON THAT?

IT REALLY HIGHLIGHTS, I GUESS, MY BIGGEST LESSON FROM SERVING ON A BOARD AFTER SERVING IN THE LEGISLATURE, IS THAT THE LEGISLATURE ISN'T ALL-WISE, AND SOMETIMES THINGS THAT SEEM SO SIMPLE WHEN YOU PROMOTE LAWS OR DRAFT THEM, OR VOTE FOR THEM, WHEN IT COMES TO IMPLEMENTING THEM IT JUST DOESN'T WORK.

AND, I THINK THIS ONE IS A NOMINATION FOR THE LEDGE* PROGRAM FOR THIS NEXT YEAR TO SEND IT BACK AND SAY CLEAN THIS THING UP, AND FIND THE RIGHT WAY OF ACHIEVING THIS GOAL, AND NOT JUST CONTINUE TO WASTE TIME AND EFFORT AND MONEY FOR SOMETHING THAT'S GOING TO COME TO NAUGHT.

I'LL PROMISE YOU, THERE WILL BE ABSOLUTELY NO ENFORCEMENT OUT OF THIS, NO CONCLUSIONS. YOUR SAMPLING IS TOO SMALL. THERE'S NOTHING TO GET YOUR HANDS ON.

IT'S JUST -- I AM TEMPTED TO VOTE AGAINST THIS WHOLE THING AND LET IT BLOW UP. *(INDISC/INAUD) I GUESS I WON'T *(INDISC/INAUD).

CHAIRMAN PENNINGTON: OKAY.

*MALE VOICE: I'M GOING TO CHECK YOUR RECORD ON THIS BILL.

MEMBER FRAZEE: I PROBABLY VOTED FOR IT.

*(GENERAL DISCUSSION, NOT PERTINENT, RE JOKING ABOUT VOTING IN LEGISLATURE)

CHAIRMAN PENNINGTON: IS OUR MOTION CLEAR?

*FEMALE VOICE: IT'S NOT CLEAR TO ME.

*MALE VOICE: IS THE MOTION CLEAR?

*FEMALE VOICE: NO.

*(GENERAL DISCUSSION, NOT PERTINENT)

CHAIRMAN PENNINGTON: IS IT CLEAR TO THOSE WHO ARE GOING TO VOTE?

*MALE VOICE: IT'S CLEAR TO ME.

CHAIRMAN PENNINGTON: OKAY. LET'S VOTE. WILL THE SECRETARY CALL THE ROLL, PLEASE?

*(NOTE: I DIDN'T HEAR A SECOND ON THE CHAIR'S MOTION???)

THE SECRETARY: BOARD MEMBER EATON?

MEMBER EATON: AYE.

THE SECRETARY: FRAZEE?

MEMBER FRAZEE: AYE.

THE SECRETARY: JONES?

MEMBER JONES: AYE.

THE SECRETARY: CHAIRMAN PENNINGTON?

CHAIRMAN PENNINGTON: AYE.

OKAY. IF THERE'S NO FURTHER BUSINESS, ANY OPEN DISCUSSION FROM ANYONE? I HEAR NONE.

WE'RE ADJOURNED.

*ADJOURNED?

*MALE VOICE: OH, NO WE'RE NOT. WE'RE RECESSED UNTIL TOMORROW MORNING, AREN'T WE?

CHAIRMAN PENNINGTON: NO.

*MALE VOICE: OH, WE'RE NOT?

CHAIRMAN PENNINGTON: WE MOVED ITEM SIX TO --

*MALE VOICE: SEPTEMBER 10TH AS A CONTINUED ITEM.

CHAIRMAN PENNINGTON: NO, WE'RE NOT IN A CLOSED SESSION TODAY, WE'LL GET* IT SOMEWHERE ELSE.

*(OFF THE RECORD.)

